1937-39-40-41 **File No.** 1445/36 I

A CLASS P. W. **DEPARTMENT**

A ~~ · ~~ **E BRANCH**

Subject:— Relirement; Premature

Orders reg.

P-193
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A.K. 1941

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File No. 1445/36 I

Std. Scott. Slip 24-B

G R., G D., No 2408, dated 22-6-22.]

Correspondence

DOCKET SHEET (B)

Subject :—

File No. 1445/I/36

Public Works **DEPT.**

E **BRANCH.**

References :—

Date.	To whom sent.	Notes and instructions.

Retirement (Premature):

Government servants:

Rules.

GOVERNMENT OF BOMBAY.

POLITICAL AND REFORMS DEPARTMENT.

Resolution No. 1720/36.

Bombay Castle, 6th May 1937.

Endorsement from the Government of India, Home Department, No. F. 336/36-Eats., dated the 31st March 1937-Forwarding a copy of their following notification No. F. 336/36, of the same date:-

"The following resolution passed by the Secretary of State in Council is published for general information:-

In exercise of the powers conferred by sub-section (2) of section 96-B of the Government of India Act, the Secretary of State, with the concurrence of a majority of votes at a meeting of the Council of India held this 16th day of March 1937, hereby makes the following amendments to the Premature Retirement Rules, namely:-

1. In Rule 2 (1) after the words 'Provided that' the following words shall be inserted, namely 'no officer shall be eligible to retire under these rules who is certified to be physically unfit for further service in India, and that'.

2. ---

2. In Rule 9(4) for the words 'the initial pay which he might have received under Rule 81 of the Fundamental Rules if his new employment had been on deputation from India' the following shall be substituted, namely 'three-quarters of the pay of which he was in receipt when last on duty in India prior to retirement under these rules".

I.F. & R.D.H.S

Resolution:- Copies on the Notification of the Government of India should be forwarded to the members of the All-India Services and to the Service Associations concerned for information.

By order of His Excellency
the Governor of Bombay.

sd/ C.W.A.TURNER,
Chief Secy. to the Govt.of Bombay.

Political and Reforms Deptt.

G.R.No. 1720/34, P.& R.D., dated the 6th May 1937.

To

The Accountant General, Bombay,

The Secretary to His Excellency the Governor,

The Military Secretary to His Excellency the Governor,

All Members of the All-India Services,

All Departments of the Secretariat (except the Separate Department),

The Honorary Secretary, Indian Civil Service Association, Bombay Branch,

The Honorary Secretary, Indian Police Association, Bombay Branch,

The Honorary Secretary, Civil Engineers' Association, Bombay Branch,

The Honorary Secretary, Forest Officers' Association, Bombay Branch,

The Honorary Secretary, Bombay European Government Servants' Association.

No. of 1937.

Copy forwarded for information and guidance to

Retirement (Premature):

Government servants:

Rules.

GOVERNMENT OF BOMBAY

POLITICAL AND REFORMS DEPARTMENT.

Resolution No. 1720/34.

Bombay Castle, 13th August 1937 .

Endorsement from the Government of India, Home Department, No. F. 336/35-Eats., dated the 17th June 1937-Forwarding a copy of their accompanying notification No. F. 336/35, of the same date.

Resolution:- Copies of the Notification from the Government of India should be forwarded to the members of the All-India Services and to the service Associations concerned for information.

By order of the Governor of B'bay .

V. H. VACHHRAJANI

for Chief Secretary to the Government of Bombay, Political and Reforms Deptt.

To .

The Accountant General, Bombay,
The Secretary to His Excellency the Governor,
The Military Secretary to His Excellency the Governor,
All Members of the All-India Services,

All Departments of the Secretariat (except the Separate Department),

The Honorary Secretary, I.C.S. Association, Bombay Branch,

The Honorary Secretary, Indian Police Association, Bombay Branch,

The Honorary Secretary, Civil Engineers Association, Bombay Branch,

The Honorary Secretary, Forest Officers Association, Bombay Branch,

The Honorary Secretary, Bombay European Government Servants Association.

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No of 1937.

Copy forwarded for information and guidance to

Accompaniment to Government Resolution, Political and Reforms Department, No. 1720/34, dated the 13th August 1937.

HOME DEPARTMENT

NOTIFICATION

ESTABLISHMENTS

Simla, the 17th June 1937.

No. F. 366/35,- The following resolution passed by the Secretary of State ~~of State~~ is published for general information:-

In exercise of the powers conferred by paragraph (a) of sub-section (1) of section 247 and sub-section (2) of section 257 of the Government of India Act, 1935, the Secretary of State for India, with the concurrence of his Advisers, hereby makes the following Rules, namely:-

1. (1) These rules may be called the Premature Retirement Rules.

(2) They shall come into force on 1st April 1937.

(3) Any previous rules made by the Secretary of State in Council for the regulation of premature retirement on proportionate pension are hereby cancelled.

2.(1) The following officers may be permitted by the Secretary of State to retire under these rules:-

This has been substituted vide p.& S.D. No.1720/34-E at the 9/10/47.

A. Any officer who, with effect from a date earlier than the date on which these rules come into force, was selected for or appointed ~~xxxxx~~ to one of the services specified in

(i) and (ii) or appointed to one of the posts in entries (iii), (iv) or (v) of the First Schedule, and who, if so selected or appointed after the 1st April 1924, was at the time of such selection or appointment of non-Asiatic domicile.

B. Any officer selected for or appointed to the Indian Civil Service or the Indian Police by the Secretary of State after the date on which these rules come into force and whose domicile at the time of such selection or appointment was non-Asiatic.

Provided that-

(a) no officer serving in connection with the affairs of the Federation, except an officer of the Railway Department, shall be eligible to retire under these rules-

(i) before the establishment of the Federation, or

(ii) if he is permanently employed in the Crown, External Affairs, Defence or Ecclesiastical Department;

(b) no officer of the Regular Army in civil employ who is liable to recall to military employment, no officer of the Royal Indian Navy and no officer of the Indian

Medical ---

Medical Service who has completed less than 17 years' total service, shall be eligible to retire under these rules unless the competent military or naval authorities are unable or unwilling to absorb him in military or naval employment as the case may be;

(c) no officer of the Railway Department shall be eligible to retire under these rules before the establishment of the Federal Railway Authority;

(d) no officer serving in a department administered by a Governor in his discretion shall be eligible to retire under these rules while so employed;

the certificate is necessary in the case of officers on level on medical certificate.

(e) no officer shall be eligible to retire under these rules who is certified to be physically unfit for further service in India.

(2) If any doubt arises as to the date of any selection or appointment referred to in sub-rule (1) of this rule the matter shall be referred to the Secretary of State whose decision shall be final.

Vide India office letter No.S & G. 5109/39 dated the 30/8/39.

File No. 3547/36 Mr.Rao's case.

3.(1) Applications for such permission shall be addressed by officers serving in connection with the affairs of the Federation to the Governor General and by officers serving in connection with affairs of a Province to the Governor:

(2) An application under this rule may be submitted by an officer while he is on leave out of India, and in that case, unless the Governor General of the Governor, as the case may be, considers his return to duty necessary before his application ~~maximum~~ can be considered, the rules shall apply to him in the same manner as if his application had been submitted while on duty:

Provided that an officer who has made an application under this rule while he is on leave out of India and whose application is sanctioned by the Secretary of State before his leave expires shall not be eligible for the gratuity described in Rule 17, except to the extent admissible under sub-rule (6) of that rule.

4. On receipt of an application the Governor shall forward it with his recommendation to the Governor General, and the Governor General shall forward all applications other than those which have been cancelled under rule 7 whether received direct or through the Governor of a Province, with his recommendations for the orders of the Secretary of State.

5. ----

5. An officer who has been permitted by the Secretary of State to retire under these rules, or whose application has been forwarded by the Governor General or the Governor with a recommendation that his retirement be sanctioned, shall, unless the Governor General in the case of officers serving in connection with the affairs of the Federation, or the Governor, in the case of officers serving in connection with the affairs of a Province, sees reason to the contrary, be permitted to avail himself, in anticipation of his retirement, of the full amount of leave which is due to him and which may be granted to him at one time (otherwise than on medical certificate) under the regulations for the time being in force and applicable to him:

Provided that if the Governor General or the Governor, as the case may be, considers that leave in anticipation of retirement should not be granted, or that less than the full amount of leave available under regulations for the time being in force should be granted, the proposal to withhold or reduce the leave applied for shall be submitted with the reasons therefor for the orders of the Secretary of State.

6. (1) The Governor General or the Governor, as the case may, be, shall fix the date on which leave granted under rule 5 shall commence:

Provided ---

Provided that an officer who has been permitted by the Secretary of State to retire under these rules shall not be detained in India beyond the date on which he desires to leave unless his detention cannot be avoided without prejudice to the Public interest.

(2) If the Governor General or the Governor, as the case may be, considers that suitable arrangements cannot be made for the relief of any officer at the date on which he desires to proceed on leave preparatory to retirement under these rules, he may, when forwarding the application for the orders of the Secretary of State recommend that the Secretary of State should postpone the grant of permission and in that case shall specify the period of such postponement.

7. An officer who has submitted an application for permission to retire under these rules shall not be at liberty to cancel his application and, if on leave, to return to duty without the consent of the Governor General in the case of officers serving in connection with the affairs of the Federation or of the Governor in the case of ot

officers ---

officers serving in connection with the affairs of the Federation or of the Governor in the case officers serving in connection of a Province. with the fx affairs of a Province.

8.(1) An officer who has submitted an application for permission to retire under these rules may be permitted to take up other employment during the currency of his leave preparatory to retirement.

(2) Such permission may be granted--

(a) if the proposed employment lies in India, by the Governor General in the case of officers serving in connection with the affairs of the Federation or by the Governor in the case of officers serving in connection with the affairs of a Province;

(b) if the proposed employment lies elsewhere than in India, by the Secretary of State;

Provided that an officer who has been granted permission to take up employment under this rule shall be precluded, save with the specific consent of the Secretary of State from withdrawing his request for permission to retire and from returning to duty in India.

(3) The Secretary of State, the Governor General or the Governor, as the case may be, shall have the right to withhold permission to take up employment under this rule in cases where the employment appears to him to be such as could not with propriety be held by by a person who is still in the service of the Crown in India ---

in India; or, alternatively, to grant the desired permission in any such case subject to such conditions or restrictions as he may think necessary.

*9.(1) The right of any officer to receive or retain a pension under the provisions of these rules is subject to the right of Secretary of State-

* This has been substituded vide P.& S.D. No. 1720/34-D dt.9/10/47 (1445/38 II/ 43358.

(a) to reduce or withhold any pension, if the past service of the applicant is not approved, or if the pensioner after retirement is convicted of serious crime or is guilty of grave misconduct; and

(b) in cases where an officer obtains, prior to, or within two years from, the date of his retirement under these rules, other employment under the Crown, to suspend payment, wholly or in part, while the officer continues to be employed under the Crown, of the proportionate pension admissible under these rules.

(2) In cases where a proportionate pension is suspended wholly or in part under clause (b) of the preceding sub-rule, the officer shall on the termination of his employment under ---

under the Crown receive the full proportionate pension under these rules in respect of his Indian service in addition to any pensionary award that may be granted to him under the rules of the service in which he is employed after retiring from the Indian service.

(3) For the purposes of this rule, the expression "employment under the Crown" shall be deemed to include employment under the Governments of Crown Colonies Protectorates, and territories mx mandated to the British Government, but does not include employment under the Government of a self-governing Dominion or a State in India, or under a local Authority.

(4) A proportionate pension shall not be liable to suspension either wholly or in part under sub-rule (1)(b) of this rule unless the proportionate pension, when combined with the initial pay of the officer in his new appointment, would exceed three-fourths of the pay which he would have drawn if he had remained on duty in India.

20. Subject to the provisions of Rule 9, a pensionable officer who has been permitted by the Secretary of State to retire under these rules shall be entitled, if he has completed less than five years' total service, to a gratuity equal to one month's pay (at the rate drawn by the applicant while last on duty before his re-

retirement --

retirement), multiplied by ~~by~~ the number of completed months of total service at the officer's credit and divided by 12, and converted at the rate of 1s. 9d. per rupee; and if, he has completed five years' total service, to a pension of the amount shown in the Second Schedule.

11. A non-pensionable officer of a Railway Service, Class I, who may be permitted to retire prematurely under these rules shall be entitled to the Railway contribution or bonus to his Provident Fund under the Provident Fund Rules of the Railway, and his gratuity under the Gratuity Rules calculated as if he had been invalided from service. If the officer has elected to subscribe to the Sterling Branch of the State Railway Provident Fund, the payment of the amount due under this rule shall be made in sterling at the rate and in the place prescribed in the State Railway Provident Fund (Sterling Account) Rules, otherwise in rupees in India.

12.(1) In addition to the pension or gratuity referred to in rule 10 or the bonus and gratuity referred to in rule 11, any officer who has been permitted to retire under these rules (other than an officer who is entitled to the pension specified in the Second Schedule as the maximum

pension ---

pension admissible under these rules to the service to which he belongs and when more than one method of calculating a pension is prescribed, for the method of calculating the pension actually adopted) and who proceeds on retirement or on leave preparatory to retirement to any some part of the British Empire intending to settle there permanently, shall, subject to the provisions of rule 3(2), be entitled to receive a gratuity equal to the cost, allowing for any special rebates admissible to railway officers, of first-class fares and passages from the last place of his employment in India to his destination for himself, and for his wife and children if they were in India at the time of his proceeding on retirement or leave preparatory to retirement:

Provided that except with the special sanction of the Secretary of State no gratuity shall be payable under this rule to an officer who is permitted to retire or to proceed on leave preparatory to retirement while employed elsewhere than in India and the amount of the gratuity (if any) payable to such an officer shall be such as the Secretary of State shall direct:

Provided further that where there is no railway or steamer station at the last place

of ----

of employment of an officer permitted to retire under these rules, the Governor General in the case of officers serving in connection with the affairs of the Federation, and the Governor, in the case of officers serving in connection with the affairs of a Province, may include in the gratuity of such officers an amount equivalent to the mileage allowance for his journey to the nearest station which would have been admissible to him under the travelling allowance rules applicable to him:

Provided further that officers belonging to Railway services, class I, shall be entitled to 1st class passes in place of the cost of 1st class fares for railway journeys in India.

(2) For purposes of payment of this gratuity to officers proceeding to or via the United Kingdom, first-class fares and passages shall be first-class steamer or railway fares to Bombay plus cost, allowing for any special rebates admissible to railway officers, of first-class passage at B rates by the P. and O. Steam Navigation Company

to -----

to London (all sea route); and in addition, railway fares from London to destination. These rates are payable irrespective of the line or class by which an officer or his family travels.

(3) Payment of the gratuity admissible under this rule (excluding that portion representing railway fares from London, which shall be paid by the High Commissioner), shall be made by the Governor General or the Governor, as the case may be, before the officer leaves India.

(4) The Governor General or the Governor, as the case may be, may sanction the payment of a gratuity calculated as in sub-rules (1) and (2) of this rule, but excluding the fares and passages of the officer himself, to the families of officers who are obliged by climatic or analogous reasons to leave later than the officer himself, or in advance of the officer but subsequent to the submission of his application to retire.

(5) An officer who applies in India for permission to retire and who is permitted to leave India in anticipation of the sanction of the Secretary of State is eligible for the gratuity. In such a cases, if the officer proceeds to the United Kingdom, the Governor General or the Governor as the case may be, shall authorise the High Commissioner to make payment.

(6) ---

(5) Officers who apply to retire while on leave in England and whose families are in India at the time when their retirement was sanctioned by the Secretary of State shall receive a portion of the gratuity equal to the cost, allowing for any special rebates admissible to railway officers, of first-class railway fares and passages for their families when the latter leave India.

(7) In no case shall a gratuity admissible under this rule or any portion thereof be payble payable until the Secretary of State has sanctioned the officer's retirement under these rules.

(8) The gratuity admissible under this rule shall be reduced by the value of any benefit received under the provisions of Schedule IV to the Superior Civil Service Rules in respect of the journey referred to in sub-rule (1) above.

(9) The gratuity paid to an officer under this rule shall, in the event of his being permitted to return to duty in India, be refunded. Such refunds may be made by deductions of 36 equal monthly instalments from the officer's pay-bill, commencing with the first pay bill drawn after return.

(10) ------

(10) For the purpose of this rule the term children means legitimate children or step-children of an officer, whatever their age, who are wholly dependent on him.

15.(1) A member of the Indian Civil Service who retires under these rules may adopt at his option any one of the three following methods of retaining for his wife and children benefits admissible under the Indian Civil Service Family Pension Regulations, namely:-

(a) He may cease to make any contributions and payments under the regulations, and shall then retain only the right to a proportion of the contingent benefits under the said regulations for his wife and children existing on the date of retirement, and for any children subsequently born to that wife. This proportion shall be equal to the number of his completed years' total service divided by 28, and the calculation shall be based upon the pension admissible to the widow of an officer of the class to which he belonged at the time of his retirement.

(b) He may continue up to his 51st birthday to make contributions under the regulations at the rates payable by him at the date of retirement, and shall then retain the right to the full contingent benefits admissible under the regulations, according to his class on the date of his retirement for his wife existing at the date

of ----

of retirement, and for any children by her, whether born before or after retirement. Under this alternative subscriptions will be payable under the ordinary regulations for each child, whether born before or after retirement. In the event of the death of the wife, subscriptions at the bachelor rate appropriate to the subscriber's class on retirement will be payable until the age of 51.

Provided that in the case of a subscriber appointed to the Service before 1st April 1910, all such contributions shall cease with effect from the date on which he would have completed 28 years service or from the 1st January 1930, whichever is the later.

(c) He may continue up to his first birthday to make contributions and payments under the regulations at the rates which would have been payable by him from time to time had he remained in the service. In that case he shall retain the full benefits admissible under the ~~in~~ regulations as if he had remained in the service until death or retirement with an ordinary pension.

Provided that, in the event of the officer failing to notify within three months of the date of his retirement the method selected by him, he shall be deemed to have

selected ---

elected the first of the above methods.

(2) The Secretary of State shall make good to the Indian Civil Service Family Pension Fund under a suitable procedure any loss which may be estimated to be thrown upon it by the operation of this rule.

14.(1) An officer of the Indian Army or the Royal Indian Navy or of the Indian Medical Service who retires under these rules may select any one of the three following options with regard to his subscriptions under the Indian Military Service Family Pension Regulations or to the Indian Military Windows' and Orphans' Fund:-

(1) He may continue to subscribe at the half rate of subscription under Article 28 of the Indian Military Service Family Pension Regulations or rule 32 of the Indian Military Windows' and Orphans' Fund: or if a married subscriber under the Indian Military Service Family Pension Regulations, he may withdraw, receiving the refund authorised by Article 28. If he continues to subscribe he will retain the same rights to contingent benefits from the funds as if he had retired under the ordinary rules.

(b) ---

(b) He may cease to make any payments under the regulations except in so far as is provided by the last sentence of this clause, and shall then retain the right to contingent benefits at the rates admissible under the regulations to the window and children of an officer of the class to which he belonged at the date of retirement, for his wife and children existing at the date, and for any children subsequently born to that wife. Under this alternative, any donation payable under the ordinary rules for any child born after retirement must, however, be paid by the officer if he desires to retain any right to continuance of benefits for any such child.

(c) He may continue up to his 55th birthday to make payments under the Regulations at the full rates applicable to the classwhich he would have attained had he remained in the service until that date, and thereafter at half rates according to the class in which he is then subscribing. Any donation becoming due after the age of 55 will be payable in full as in the case of ordinary retirements. His wife and children will in this case be eligible for the full benefits appropriate to the class in which he is subscribing at the date of death:

Provided ---

Provided that in the event of the officer failing to notify within three months of the date of his retirement the option selected by him he shall be deemed to have selected the first of the above options.

(2) The Secretary of State shall make good to the Indian Military Service Family Pension Scheme or the Indian Military Windows and Orphans Fund, as the case may be, any loss which may be estimated to be thrown upon them by the operation of this rule.

(3) The family of a military officer or of an officer of the Royal Indian Navy or the Indian Medical Service who retires under these Rules shall remain eligible for pensions under the Royal Warrant or under the corresponding rules laid down in Pension Regulations for the Army in India or in Regulations for the Royal Indian Navy, whichever may be applicable if the officer had on retirement completed 20 years service. If such an officer is permitted to retire under these Rules after completing less than 20 years service, the Secretary of State shall, on the death of the officer, grant, subject to the conditions laid down in the Royal Warrant or in the rules referred to above (others than the condition requiring an officer to have completed 20 years' service in order to entitle his window or children to pensions) --

to his ---

to his window, a yearly pension of 70£. divided by 20 and multiplied by a figure corresponding to the number of years' total service completed by the officer at the date of his retirement; and

to each child, a pension of 16£. ~~of~~ devided by 20 and multiplied by a figure as aforesaid, or, in the case of a motherless child, a pension of 25£. divided by 20 and multiplied by a figure as aforesaid.

15.(1) An officer who is a subscriber, under section II of the Superior Services (India) Family Pension Fund Rules and who retires with a pension under the Premature Retirement Rules may adopt, at his option, one of the following methods of retaining for his wife and children benefits admissible under the Fund Rules namely:-

(a) He may cease to make any contributions under the rules, and shall then retain only the right to an proportion of the contingent benefits under the rules for his wife and children existing on the date or retirement, and for any children subsquently born to that wife. This proportion shall be equal to the number of completed years during which he has subscribed divided by 25.

(b) ---

respect to which the Governor General is required to act in his discretion, be construed up till the date on which Federation is established as references to the Governor General in Council, and any reference to the Federation, except where the reference is to the establishment of the Federation, shall be construed as a reference to the Governor General in Council.

FIRST SCHEDULE (See rule 2).

Officers to whom these Rules apply.

(i) Members of the following Services:-

(a) The Indian Civil Service.

(b) The Indian Police.

(c) The Indian Forest Service.

(d) The Indian Forest Engineering Service.

(e) The Indian Educational Service.

(f) The Indian Agricultural Service.

(g) The Indian Medical Service (Civil).

(ii) Members of the Central Services, Class I, or Railway Services, Class I, who were appointed by the Secy. of State in Council.

(iii) Officers of the Regular Army holding posts on the cadre of any of the services specified in (i) and (ii) above.

(iv) ---

(h) The Indian Service of Engineers.

(i) The Indian Veterinary Service.

(b) He may continue until the expiration of 25 years from the date on which he became a subscriber to make contributions under the rules at the rates which would have been payable by him from time to time had he remained in the Service. In that case he shall retain the full benefits admissible under the rules as if he had remained in the Service:

Provided that, in the event of the officer failing to notify within three months of the date of his retirement the method selected by him he shall be deemed to have elected the first of the above methods.

(c) The Secretary of State shall make good to the Superior ~~Services~~ Services (India) Family Pension Fund under a suitable procedure any loss which may be estimated to be thrown upon it by the operation of this rule.

16. In the discharge of their functions under these rules, in so far as officers serving in connection with the affairs of the Federation are concerned, the Governor General shall act in his individual judgement, and, in so far as officers serving in connection ~~in~~ with the affairs of a Province are concerned, the Governor General shall act in his discretion and the Governor in his individual judgment.

17. Reference in these rules to the Governor General shall, except as respects matters with

respect ---

(iv) Officers appointed by the Secretary of State in Council holding posts, other than listed posts, on the cadre of any of the services specified in (i) and (ii) above.

(v) Officers of the Royal Indian Navy holding posts on the cadre of any of the Services specified in (i) and (ii) above.

Please see slip A at P 37 to 40

SECOND SCHEDULE (See rule 10).

1.(a) The letter "E" in the following paragraphs shall be deemed to represent the number of years of active service in one or more of the services specified in the first schedule, or in a service which has been merged in one of those services, or in military or naval employment at the credit of an officer at the time of his retirement, plus one-twelfth for each completed month of such service in excess of the completed years:

Provided that service rendered by an officer which would not be reckoned as qualifying service in calculating his ordinary retiring pension or annuity shall not be counted as active service for the purpose of these rules.

(b) Subject to the provisions of clause (a), active service shall for this purpose include the following kinds of service:-

(i) ---

(i) all service which counts as active service under Articles 8 and 9 of the Civil Service Regulations, war leave being treated for the purpose of these rules as privilege leave;

(ii) periods spent on foreign service;

(iii) Military service rendered during the Great War prior to appointment to one of the Services or posts specified, subject to the conditions which govern the counting of such military service for ordinary pension :

(iv) sick leave taken by civil officers during military service in the Great War, subject to the conditions laid down in the Government of India, Finance Department, Resolution No. F. 21-II-C.S.R./24, dated the 28th August 1926;

(v) service counting for ordinary pension under Articles 374 (1), 628, 629 and 630 of the Civil Service Regulations;

(vi) special disability leave;

(vii) in the case of an officer who, before entering upon service in India, was employed under His Majesty's Government elsewhere than in India, and whose service elsewhere than in India has already been---

Please see slip A at P 37 to 40

been accepted as qualifying for a combined pension under the rules made by the Treasury under section 7 (1) of the Superannuation Act, 1909, the service elsewhere which counts for such combined pension.

2. Pensions expressed in rupees in this schedule shall be converted at the minium rate of 1s.9d. per rupee, subject to the conditions stated in Article 938 of the Civil Service Regulations, or in any rule which may be substituted therefor.

The conversion into rupees of pensions expressed in sterling in this Schedule shall be governed by the provisions of Article 933A or 983, as the case may be, of the Civil Service Regulations, or of any rule that may be substituted for either of the said Articles.

3. The pension admissible to an officer who is permitted to retire under these rules shall be as follows:-

(a) To an officer of the Indian Civil Service $\frac{n}{21} \times$ 1,000, subject to an maximum of 1,000l a year:-

Provided that whenver the sum of Rs. 10,666. 10. 8 exceeds 1,000l. in value that sum shall be substituted for 1,000l. in both places ----

places where it occurs in this clause, and the pension shall be recalculated accordingly.

(b) To an officer of the Indian Army in civil employ,-

(i) if not of higher rank, than Lieut.-Colonel, £ $\frac{1}{29}$* X 745 for each completed year of service qualifying him for ordinary pension as an officer of the Indian Army, plus £ 1X $\frac{1}{29}$ 745 for each completed month of such service in excess of the completed years, subject do a maximum of £745 a year;

* Plsee G.R. P.& R.D.No. 1720/34,dated 24/9/1940, File 1445/36.

(ii) if of the rank of Colonel, the pension admissible under ordinary regulations;

(d) To an officer of the Royal Indian Navy in Civil employ,-

(i) if not of higher rank, than Commander, £ X 663⅓ for each completed year of service qualifying him for ordinary pension as an officer of the Royal Indian Navy, plus £ $\frac{1}{12}$ X $\frac{1}{30}$ X 663⅓ in excess of the completed years subject to a maximum of £663⅓ a year;

(ii) if of the rank of Captain, the pension admissible under ordinary regulations:

Provided ---

Please see Slip A at P 37 to 40

Provided that the proportionate pension of an officer of the Royal Indian Navy in civil employ who is granted permission to retire under these rules shall be subject to revision in the same manner as the ordinary maximum pension of a Commander of the Royal Indian Navy.

(e) To an officer of the Indian Medical Service in civil employ-

(i) if of less than 17 years total service £ 1 X 3/4 for each completed year of service qualifying him for ordinary pension as an officer of the Indian Medical Service plus £ 1 X $\frac{1}{17}$ X 3/4 for each completed month of such service in excess of the completed years, subject to a maximum of £37½ a year;

(ii) if of more than 17 years' total service, the pension admissible under ordinary regulations.

(f) To all other officers (other than members of the Women's Branch of the Indian Educational Service) to whom these rules apply Rs. -

$\frac{E}{80}$ X 7,500, subject to a maximum of Rs. 6,000 a year; provided that any officer referred to in this clause who has earned an additional pension under Article 474-A of the Civil Service Regulations, whether he has or has not completed---

completed the 28 years' qualifying service required by that Article, may at his option be granted in lieu of the pension specified in the said clause a pension calculated as follows, namely Rs. $\frac{N}{28}$ X 6,000, subject to a maximum of Rs. 6,000 a year plus any additional pension earned under Article 475A of the Civil Service Regulations, subject to an aggregate maximum of Rs. 6,000 a year.

(g) To members of the Women's French of the Indian Educational Service, Rs. $\frac{N}{22}$ X 6,000, subject to a maximum of Rs. 5,000 a year.

4. Any officer to whom the provisions of Articles 403, 404 and 404A of the Civil Service Regulations apply and who is permitted to retire under these rules shall be permitted to deduct from the divisors 28 and 22 in the fractions specified in clauses (f) and (g) of paragraph 3 of this schedule a number equal to the number of years which he would be entitled to add to his qualifying service if he were retiring on superannuation pension, but in that event he shall not be allowed to count Military Service rendered during the Great War as Active Service. If more favourable to him, his pension may be calculated in accordance ---

Please G.R. P.& G.D., No.1720/34,& the 24-9-1940- File-1445/38.

accordance with the provisions of clause (f) of paragraph 3, Military Service being included as Active Service.

J. A. THORNE,

Officiating Secretary to the Govt. of India.

R. W. D.

I.F.

S.F.

The O.P. has been addressed to all the members of the All India Services.

Record.

Id/-
3/9/37.

Id/-
4/9/37.

slip A

POLITICAL AND SERVICES DEPARTMENT.

Bombay Castle, 22nd March 1938.

No.1720/46.--The following notification by the Government of India, Ministry of Home Affairs, is republished:-

No. 27/10/46-Ests, dated New Delhi (3), the 13th December 1947.

The following amendments made by the Secy. of State for India in the Premature Retire - ment Rules, 1937, are published for general information:-

"I, William Francis, Earl of Listowel, one of His Majesty's Principal Secretaries of State in virtue of the powers conferred by sub-section (1) of section 247 and sub-section (2) of section 257 of the Government of India Act, 1935, hereby made, with the concurrence of my Advisers the following amendments in the Prematures Retirement Rules, namely:-

I. For them Second Schedule, the following shall be substituted:-

'Second Schedule (see rule 10).

I. The letter "R" in the following paragraphs shall be deemed to represent:-

(a) In the case of a military officer (except one serving in the Indian Political Service who elects pension under paragraph 3 (c) and (I) (a) (ii) (below) and of an officer of the

Royal -----

Royal Indian Navy, completed years of service qualifying for ordinary retiring pension under the Pension Regulations for the Army in India, and Pension Regulations for the Royal Indian Navy, as the case may be.

(b) In the case of a member of the Indian Ecclesiastical Establishment, completed years of residence in India as defined in Article 573 of the Civil Service Regulations.

(c) In the case of all other officers, completed years of active service in one or more of the Services specified in the First Schedule, or in a Service which has been merged in one of those Services, or in a military of naval appointment, at the credit of an officer at the time of his retirement, except that for a military officer serving in the Indian Political Services who elects pension under paragraph 3(c) (I)(a)(ii) below, service rendered before joining the Indian Political Service shall not count as active service. For the purpose of this sub-rule, active service shall include-

(i) all service which counts as active service under Articles 8 and 9 of the Civil Service Regulations, war leave being treated for the purpose of these rules as privilege leave;

(ii) periods spent on foreign service;

(iii) ----

(iii) military service rendered during the Great War, 1914-18,, prior to appointment to one of the services or posts specified, subject to the conditions which govern the counting of such military service for ordinary pension;

(iv) sick leave taken by civil officers during military service in the Great War, 1914-18, subject to the conditions laid down in the Government of India, Finance Department, Resolution No. F/21-II-C.S.R. 24, dated the 28th August, 1925 and during the World War, 1939-45, provided the disability is certified as having been due to military service;

(v) service counting for ordinary pension under Article 374(I) of the Civil Service Regulations;

(vi) special disability leave;

(vii) in the case of an officer who, before entering upon service in India, was employed under His Majesty's Government elsewhere than in India, and whose service elsewhere than in India has already been accepted as qualifying for a combined pension under the rules made by the Treasury under section 9(I) of the Superannuation Act, 1909, the service elsewhere which counts for such combined pension.

Plus in the case of all officers referred to in (a), (b), and (c), one-twelfth of a year for completed month of such service in excess of the completed years:

Provided ---

Provided that service rendered by an officer which would not be reckoned as qualifying service in calculating his ordinary retiring pension or annuity shall not be counted as service for the purpose of these rules.

2. Pensions expressed in rupees in this schedule shall be converted at the minimum rate of 1s. 9d. per rupee, subject to the conditions stated in Article 936 of the Civil Service Regulations, or in any rule which may be substituted therefor.

The conversion into rupees of pensions expressed in sterling in this schedule shall be governed by the provisions of Article 933A or 983, as the case may be, of the Civil Service Regulations, or of any rule that may be substituted for either of the said Articles.

3. The pension admissible to an officer who is permitted to retire under these rules shall be as follows:-

(a) To an officer of the Indian Civil Service, $\frac{E}{£21}$ X 1,000, *subject to a maximum of £1,000 a year: Provided that whenever the sum of Rs. 10,666 -10-8 exceeds £ 1,000 in value that sum shall be substituted for £1,000 in both places where it occurs in this clause, and the pension shall, be recalculated accordingly.

(b) -----

(b) To an officer of the Indian Army or the Royal Engineers in Civil employ;

(1) if not of higher rank than Lieutenant-Colonel, $\frac{N}{£29}$ X £783 10s.0d., subject to a maximum of £783. 10s.0d.a year;

(2) if of the rank of Colonel, the pension admissible under ordinary regulations.

(c) To an officer of the Royal Indian Navy in civil employ;

(1) if not of higher rank than Commander, $\frac{N}{£30}$ X £704, subject to a maximum of £704 ax year;

(2) if of the rank of Captain or above, the pension admissible under ordinary regulations.

(d) To an officer of the Indian Medical Service (Civil),

(1) if of less than 17 years' service qualifying for ordinary pension $\frac{N}{17}$ X £400;

(2) if of not less than 17 years service qualifying for ordinary pension, then pension admissible under ordinary regulations.

(e) To an officer of the Indian Political Service other than a members of the Indian Civil Service,

(1) if he has not attained the rank of First Class Resident;

(a) if an officer of the Indian Army an option between;

(i) $\frac{£N}{29}$ X 916-1680, subject to a maximum of £783 10s.0d., or

(ii) ---

(b) if an officer of the Indian Police, an obtain between

(i) Rs.N/26 X 2000,subject to a maximum of Rs.6000 a year, or

(ii) $\frac{£N}{25}$ X £950, subject to a maximum of £950

(ii) $\frac{25}{25}$ Rs.N/26 X 6000, subject to a maximum of Rs.

Rs. 6,000 a year, ~~xx~~ plus the special additional pension actually earned under Article 475A of the Civil Service Regulations, subject to a total maximum of Rs. 8,500.

(2) If he has attained the rank of First Class Resident, £850 plus £75 for at least one year's effective service as such as defined under Article 475B (iv) of the Civil Service Regulations, or £150 for two or more years' effective service as such.

(f) To a member of the Indian Ecclesiastical Establishment, $\frac{£N}{20}$ X £480, subject to a maximum of £480 a year.

(g) To all other officers (other than members of the Women's Branch of the Indian Educational Service) to whom these rules apply, Rs. $\frac{N}{26}$ X 7,500, subject to a maximum of Rs. 6,000 a year; provided that any officer referred to in this clause who has earned an additional pension under Article 475A of the Civil Service Regulations, whether he has or has not completed the 28 years qualifying service required by that Article, ~~xx~~ may at his option be granted in lieu of the pension specified in the said clause a pension

calculated ---

calculated as follows, namely, Rs. $\frac{N}{25}$ x 6,000, subject to a maximum of Rs. 6,000 a year, plus any additional pension earned under Article 465A of the Civil Service Regulations, subject to an aggregate maximum of Rs.8,500 a year.

(h) To members of the Women's Branch of the Indian Educational Service, Rs. $\frac{N}{22}$ x 5,000, subject to a maximum of Rs. 5,000 a year.

4. Any officer to whom the provisions of Article 404A of the Civil Service Regulations apply and who is permitted to retire on under those rules shall be permitted to deduct from the divisors 25 and 22 in the fractions specified in clauses (g) and (h) of paragraph 3 of this schedule a number equal to the number of years which he would be entitled to add to his qualifying service if he were retiring on superannuation pension, but in that event he shall not be allowed to count military service rendered during the Great War, 1914-18, as active service. If more favourable to him, his pension may be calculated in accordance with the provisions of sub-clause (g) of clause 3, military service being included as active service.

Given under my hand this 9th day of June, 1947.

MONTAGU,

One of His Majesty's Principal Secretaries of State.'

II. ----

II. In the Second Schedule at the end of paragraph 4 the following shall be added:-

'An officer to whom the provisions of Note 2 to Article 509 of the Civil Service Regulations apply shall be permitted to deduct from the divisor 20 in the fraction specified in clause (f) of paragraph 3 a number equal to the number of years which he would be entitled to add to his qualifying service if he were retiring on short superannuation pension, but in that event he will not be allowed to count Military Service rendered during the Great War 1914-18 as active service'.

Given under my hand this 30th day of June, 1947.

LISTOWEL,

One of His Majesty's Principal Secretaries of State.

III. In the Second Schedule, in paragraph 3(c) (i) (a) (i) for '$\frac{E}{20}$ x £275 substitute '$\frac{E}{20}$ x £916-1666'.

GIVEN UNDER MY HAND THIS 13TH DAY OF AUGUST, 1947.

LISTOWEL,
One of His Majesty's Principal Secretaries of State.
(Signed) P.V.Rao,
Joint Secretary to the Govt.of India.

P.K.M.

Retirement (Premature):
Government servants:
Rules.

GOVERNMENT OF BOMBAY.

POLITICAL AND REFORMS DEPARTMENT.

Resolution No. 1720/34.

Bombay Castle, 11th December 1937.

Read Government Resolution No. 1720/34, dated the 13th August 1937.

Endorsement from the Government of India, Home Department, No.F.197/4/37-Ests., dated the 27th October 1937-Forwarding a copy of their following corrigendum of the same number and date:-

"In the copies of the Home Department Notification No. F. 366/35-Ests., dated the 17th June 1937, publishing the Premature Retirement Rules, fowarded with Home Department endorsement of the same number and date, in paragraph 3 (b) (1) of the Second Schedule, for the fraction 1/20 read 1/30".

RESOLUTION- Copies of the corrigendum from the Government of India should be forwarded to the members of the All-India Services and to the Service Associations concerned for information.

By order of the Governor of Bombay,

V. H. VACHHRAJANI,

for Chief Secretary to the Govt. of B'bay,

Political and Reforms Deptt.

I P.& R.D.H 57

To

The Accountant General, Bombay,

The Secretary to the Governor,

The Military Secretary to His Excellency-
the Governor,

All Members of the All-India Services,

All Departments of the Secretariat (except the Separate Department).

The Honorary Secretary, Indian Civil Service, Association, Bombay Branch,

The Honorary Secretary, Indian Police Association, Bombay Branch,

The Honorary Secretary, Civil Engineers' Association, Bombay Branch.

The Honorary Secretary, Forest Officers' Association, Bombay Branch,

The Honorary Secretary, Bombay European Government Servants' Association.

No. of 1937.

Copy forwarded for information and guidance to

P.M.

E.B. 1445/38
25469

Submitted.

2. The G.R. has been addressed to all members of the All India Services.

3. The nececessary correction has been carried out in the office copy of the G.R. No.1720/34 dated the 13th August 1937.

Recd.

Id.

4/1/38.

Id.

5/1/38.

Id.

5/1/38 .

Copy of a letter No. 69-A/3-39, dated the 31st January 1939, from the Auditor General of India, addressed to the Accountant General, Central Provinces and Berar.

Subject:- Passage gratuity under the Premature Retirement Rules.

With reference to your letter No. C.A.I. 2035, dated the 20th December 1938, on the subject noted above, I have the honour to state that under sub-rule (2) of rule 12 of the Premature Retirement Rules, for purposes of payment of passage gratuity to officers proceeding to or via United Kingdom, first class fares and passages are first class steamer or railway fares to Bombay plus cost of first class passage at B rates by the P.& O. Steam Navigation Company to London (all sea route). Ordinary P.& O. steamer fares cover the cost of meals taken during the period of voyage. On this analogy it has been decided with the concurrence of the Government of India that the passage gratuity admissible under sub-rule (1) of rule 12 of the Premature Retirement Rules should also be at the rates which are inclusive of diet and that Mr. C.D.Caldecott should get the passage gratuity at first class rates inclusive of diet.

Endorsement by the Auditor General of India No. 69-A/3-39, dated the 31st Jany. 1939.

Copy ---

Copy, with a copy of the letter to which it is a reply forwarded to .....all Provincial Governments w.....

No. 1720/34-D.

POLITICAL & SERVICES DEPTT.

Bombay Castle, 25th Feby.1939.

Copies together with a copy of the letter to which it is a reply, forwarded with compliments for information with reference to Government Resolution, Political and Reforms Department, No. 1720/34, dated the 13th August 1937, regarding the Premature Retirement Rules, to:-

The Secretary to the Governor,
The Military Secretary to His Excellency the Governor,
All Members of the All-India Services,
All Departments of the Secretariat (except the Separate Department),
The Honorary Secretary, Indian Civil Service Association, Bombay Branch,
The Honorary Secretary, Indian Police Association, Bombay Branch,
The Honorary Secretary, Civil Engineers' Association, Bombay Branch,
The Honorary Secretary, Forest Officers' Association, Bombay Branch,
The Honorary Secretary, Bombay European Govt. Servants' Association.

By order of the Governor of Bombay,

V.N.VACHHRAJANI,

for Chief Secretary to the Government of B'bay

Political and Services Dept

Copy of letter No. C.A.I. 2006, dated the 20th December 1938, from the Accountant General, Central Provinces and Berar, to the Auditor General of India, New Delhi,

Subject:- Passage gratuity under the Premature Retirement Rules.

I have the honour to invite a reference to Rule 18 of the rules referred to above under which a Government servant retiring under those rules is entitled to a passage gratuity, which includes first class passages for himself and family. These rules do not however lay down, whether the passage admissible should be inclusive or exclusive of diet in cases where the Steamship Company, quotes two such rates.

2. Mr. C.D.Caldecott, a Deputy Conservator of Forests in this Province proceeded on leave preparatory to retirement under the Premature Retirement Rules intending to sail from Bombay for Durban on 21st December 1938 by the s.s. Karanjia of the B.I.S.N.Company. The company has quoted two rates of first class passages (viz.) Rs. 630 inclusive and Rs. 525 exclusive of diet. My office allowed the lower rate on the analogy of the last sentence of Supplementary Rule 41 below

Fundamental Rule 44 of the Government of India Supplementary Rules in the absence of any other ruling on the point.

3. The Provincial Government, while sanctioning the passage gratuity, which has been paid, expressed a doubt about the correctness of the decision of my office and desired me to obtain from you an authoritative ruling on the point.

The last sentence in Government of India Supplementary Rule 41 below Fundamental Rule 44 may be taken to embody the General principle underlying the grant of passage concessions which seems to be that unless the contrary is stated explicitly the officer is entitled to the cost of transport only excluding diet. Where the passage includes diet and there is no separate rate for passage excluding diet, the former is allowed presumably because of the difficulty of ascertaining the cost of transport separately. If the principle stated above is accepted the decision already given in the case of Mr. Caldecott, would be correct.

I submit the case to you for an authoritative ruling as desired by the Provincial Government.

P.K.W.

Copy of a letter from the Government of India, Finance Department, No. F. 15(2).R. I[1]/39, dated the 29th April 1939.

Subject:- Retirement under the Premature Retirement Rules.

I am directed to say that in a recent case, the Secretary of State permitted an officer to retire under the premature Retirement Rules, on the recommendation ~~fx~~ of a Provincial Government. Subsequently the Provincial Government recommended a reduction in the amount of proportionate pension admissible, on the ground ~~x~~ that the officer's past service could not be regarded as 'approved'. The Secrerary of State, while accepting the suggestion, has directed that in future when an officer, whose service is not regarded as 'approved', applies for permission to retire under the Premature Retirement Rules, the fact that his service is not so regarded should be brought to the notice of the Secretary of State at the time of communicating the recommendations of the Governor of the Province and /or of the Governor General on the officer's application to retire.

2. I am to request that the above direction should be observed in cases in which applications for permission to retire under the Premature Retirement Rules are submitted to the Governor General for transmission to the Secretary of State.

No.1720/34-D.

Political & Services Dept.

Bombay Castle, 24th May 1939.

Forwarded with compliments to---

The Accountant General, Bombay,

The Secretary to the Governor,

All Departments of the Secretariat (except the Separate Department),

for information.

By order of the Governor of Bombay,

Sd/-

For Chief Secretary to the Government of Bombay,

Political and Services Department.

P.K.M.

Copy of a letter from the Government of Indi
Home Department, No. 64/[illegible]-Ests., dated the 2
September 1939.

-S-

Subject:-Retirement on proportionate pensi

I am directed to forward, for information a
guidance, a copy of t
correspondence noted
the margin on the sub
ject mentioned above.

1. Telegram from the Secretary of State No. 1837, dated the 14th September 1939.
2. Telegram to the Secy. of State No. 1850, dated the 19th September 1939.
3. Telegram from the Secy. of State, No.2090, dated the 26th September 1939.

Accompaniments:

Copy of a telegram from the Secretary of St
No. 1847, dated the 14th September 1939.

I shall be glad to have your views as to wh
ther applications for permission to retire on pr
portionate pension should be entertained while
present emergency lasts save in exceptional case
for example where Officer is offered other work
of national importance and Government under which
he is serving is prepared to let him go. Pending

final ---

final decision you will no doubt forward applications already made though on receipt I should be disposed to distinguish between applications dated before and after outbreak of war.

Copy of a telegram to the Secy. of State No. 1880, dated the 19th September 1939.

Your telegram No. 1847, dated 14th September. We agree applications for retirement on proportionate pension should not be entertained save in exceptional cases. Power to refuse permission is vested in the Secy. of State but Rule 4 makes it obligatory for Governor General to forward all applications to you. Position will be explained to Provincial Governments and if you agree, they will be asked to discourage applications save in exceptional circumstances indicated in your telegram.

Copy of a telegram from the Secy. of State No.2090, dated the 26th September 1939.

Your telegram No.1880 of September 19th September 1939. I agree that while emergency lasts applications for retire-

retirement----

retirement on proportionate pension should be discouraged save in exceptional circumstances of which those given in my telegram of September was only an example. I agree that all applications received by Governors should still be forwarded in accordance with Rule 4.

No. 1720/34-E.

Political and Services Department.

Bombay Castle, 17th October 1939.

Forwarded to -

The Secretary to the Governor,

The Accountant General, Bombay,

All Departments of the Secretariat (except for information and guidance.

By order of the Governor of Bombay,

J. Chavez,

for Chief Secretary to the Government of Bombay,

Political and Services Department.

1845/35.

P. W. D.

E.E.

submitted.

2. The instructions contained in the telegram of the S. of S.No. 2090 dated the 26-9-39 are noted.

Id.

22/10/39.

Id.

25/10/39.

Id.

25/10/39.

P.K.M.

Retirement (Premature).

Government servants: Rules.

GOVERNMENT OF BOMBAY.

POLITICAL & SERVICES DEPARTMENT.

Resolution No. 1720/34.

Bombay Castle, 20th October 1939.

Read Government Resolution, No. 1720/34, dated the 13th August 1939.

Endorsement from the Government of India, Finance Department, No. F. 18 (9) R. II/39, date the 14th September 1939, forwarding a copy of their following Notification of the same number and date:-

"The following Resolution passed by the Secy. of State is published for general information:-

I, Lawrence John Lumley, Marquess of Zetland, one of His Majesty's Principal Secretaries of State, in exercise of the powers conferred upon me by section 247 of the Government of India Act, 1935, hereby make, with the concurrence of my Advisers, the following amendments in the Premature Retirement Rules, namely:-

In the second schedule to the said rules--

In clause (c) of paragraph-3-

(i) in sub-clause (i) for the figures, asterisk and letter '775*' and '£775*' wherever they occur, the figures and letter '663½ and '£663½ ' shall be substituted.

(ii) the proviso and the footnote and asterisk ' * These figures are provisiona

on

~~prof~~
profisional' shall ~~sh~~ be omitted."

RESOLUTION:- Copies of the Notification of the Government of India should be forwarded to the members of the All-India Services and to the Service Associations concerned, for information.

By order of the Governor of B'bay,

V.H.VACHHRAJANI,

for Chief Secy. to the Govt. of B'bay,

Political and Services Department.

G. R.,No. 1°20/34,P.& S.D., dated the 20th October 1939.

To

The Accountant General, Bombay,

The Secretary to the Governor,

The Military Secretary to His Excellency the Governor,

All Members of the All-India Services,

All Departments of the Secretariat (except the Separate Department),

The Honorary Secretary, Indian Civil Service Association, Bombay Branch,

The Honorary Secretary, Indian Police Association, Bombay Branch,

The Honorary Secretary, Civil Engrs. Association, Bombay Branch,

The Honorar, Secretary, Forest Officers' Association, Bombay Branch,

The Honorary Secretary, Bombay European Government Servants. Association.

No. of 1933.

Copy forwarded for information and guidance to

P.T.O.

1445/36

P. W. D.

E.B.

Submitted.

2. The necessary corrections have been carried out in the office copies of G.R. P. & S.D. No. 1720/34 dated the 13/8/37.

Record.

Id.
18/11/39.

Id.

24/11/39.

Retirement (Premature).

Government servants:

Rules-

GOVERNMENT OF BOMBAY.

POLITICAL & SERVICES DEPARTMENT.

Resolution No. 1720/34.

Bombay Castle, 24th September 1940

Read Government Resolution, No. 1720/34, dated the 13th August 1937.

Letter from the Government of India, Finance Department, No. F. 8(3)-R.I./38, dated the 9th August 1940-Forwarding a copy of their following Notification of the same No., dated the 1st August 1940.

The following amendments to the Premature Retirement Rules made by the Secretary of State for India are published for general information:-

Amendments.

In exercise of the powers conferred by sub-section (1) of Section 247 and sub-section (2) of section 257 of the Government of India Act, 1935, the Secretary of State for India, with the concurrence of his Advisers, hereby makes the following amendments in the Premature Retirement Rules namely:-

In the Second Schedule to the said Rules:-

1. In clause 3-

(i) -----

(i) in Sub-clause (b) for the figures "1/30" wherever they occur the figures "1/29" shall be substituted;

(ii) after sub-clause (b) the following sub-clause shall be inserted, namely:-

"(c) To an officer of the Royal Engineers in Civil Employ-

(i) if of the rank of Lieutenant-Colonel, £1/29 x 743 for each completed year of service qualifying him for ordinary pension admissible to an officer of the Royal Engineers, plus £1/12 x £1/29 x 743 for each completed month of such service in excess of the completed x years, subject to a maximum of £743 a year;

(ii) if of the rank of Colonel, the pension admissible under ordinary regulations."

(iii) the remaining sub-clauses shall be re-lettered (d) to (g),

(iv) for sub-clause (e) the following shall be substituted, namely:-

"(e) To an officer of the Indian Medical Service in Civil Employ-

(i) if of less than 17 years' service qualifying for ordinary pension £1/17 x 372 for each completed year of such service as an officer of the Indian Medical Service, plus £1/12 x 1/17 x 372 for each completed month of such service in excess of the completed years;

(ii) ----

(ii) if of not less than 17 years' service qualifying for ordinary pension, the pension admissible under ordinary regulations."

2. In clause 8, for the letters and word "(e) and (f)" in line 4 the letters and word "(f) and (g)" shall be substituted and for the letter "(e)" in line 10 the letter "(f)" shall be substituted.

RESOLUTION- Copies of the Notification of the Government of India should be forwarded to the members of the All-India Services and the Service Associations concerned, for information.

By order of the Governor of Bombay,

V. H. VACHHRAJANI,

For Chief Secretary to the Government of Bombay,

Political & Services Department.

To

The Accountant General, Bombay,

The Secretary to the Governor,

The Military Secretary to His Excellency the Governor,

All Members of the All-India Services,

All Departments of the Secretariat (except the Separate Department),

The Honorary Secretary, I.C.S.Association, Bombay Branch,

The Honorary Secretary, Indian Police Association, Bombay Branch,

The Honorary Secretary, Civil Engineers' Association, Bombay Branch,

The Honorary Secretary, Forest Officers' Association, Bombay Branch,

The Honorary Secretary, Bombay European Government Servants' Association.

No. of 1940.

Copy forwarded for information and guidance to

E.B.

Submitted.

2. The Resolution has been addressed to all members of the All-India Services. The necessary corrections have been carried out in the office copy of the rules.

Record.

Id. 12/10/40.

Id. 12/10/40

P.K.M.

Copy of a letter from the Government of India, Home Department, No. 39/2/40-Ests, dated the 18th December 1940.

Subject:- Applications for retirement during the present emergency of I.C.S. officers who have not completed 35 years' service.

-x-

The decision of the Secretary of State that while the present emergency lasts applications for retirement on proportionate pensions should be discouraged save in exceptional circumstances was communicated to Provincial Governments with the Home Department letter No. 64/2/39-Ests., dated the 29th September 1939. The Secretary of State has since considered also the cases of Indian Civil Service officers who have completed service for retirement on ordinary pension.

2. The Provincial Government are aware of the increasing demands being made on the Indian Civil Service cadre and of the possibility of under recruitment during the war. As a general rule, for the reasons explained in the Home Department letter No. 236/39-Ests., dated the 10th August 1940, no Indian Civil Service officer is at present being released for military service. Since it is desirable in the interests of administration to maintain the Indian Civil Service up to strength as far as possible, the Secretary of State has now expressed the wish that all officers whose services it is considered desirable to retain in

the ----

the public interest and who have not completed 35 years' service should, save in exceptional circumstances remain in service during the present emergency. He has directed that applications from all officers for permission to retire on completion of the normal period for pension but of less than 35 years' service should be referred to him through the Government of India for orders with the recommendations of the Provincial Government. The right of an officer to have his application referred to the appointing authority will thus remain unaffected. The Secretary of State does not, however, desire that officers of mediocre ability whose services are not required should be prevented from retiring if they wish to do so.

3. These orders will not apply to officers who have already been granted leave preparatory to retirement but only to cases arising hereafter.

Below copy of a letter from the Government of India, Home Department, No.39/2/40-Ests., dated the 18th December 1940.

P.T.O.

No. 4260/34-B.

Political and Services Department,

Bombay Castle, 18th January 1941.

Forwarded to --

the Secretary to the Governor,

the Accountant General, Bombay,

All Departments of the Secretariat,

(except the Separate Department)

for information and guidance with reference to Political and Services Department endorsement No. 1720/34/D dated the 12th October 1939.

By order of the Governor of Bombay,

Sd/-

For Chief Secretary to the Government of Bombay,

Political and Services Department.

P.K.M.

Retirement of officers of All India Services.

Application for-during the present emergency who have not attained the age of compulsory retirement.

GOVERNMENT OF BOMBAY.

Political and Services Department.

Memorandum No. 4260/34.

Bombay Castle, 9th February 1945.

Read Government Endorsement, Political and Services Department No. 4260/34-D, dated the 18th January 1941.

Letter from the Government of India, Home Department, No.277/43-Ests., dated the 19th January 1945:-

"I am directed to invite a reference to the Home Department letter No. 39/2/40-Ests., dated the 18th December 1940, regarding the retirement, during the present emergency, of Indian Civil Service officers, who have not completed 35 years' service, and to say that the Secretary of State has now decided that, in the present circumstances, officers of all Services under his rule-making control, excluding those governed by Note 2 to Article 465 A of the X Civil Service. Regulations, should remain in active service until they reach the age for compulsory retirement, provided that exceptional cases e.g. cases of hardship, etc., are referred to him, as in the past. Officers governed by Note 2 to Article 465 A of the Civil Service Regulations, are entitled

to retire earlier, but the Secretary of State hopes that the Provincial Governments you will be able to persuade most such officers to continue to serve upto the date of compulsory retirement.

2. I am to add however that, since it will not be equitable to deprive the officers who are retained compulsorily of the leave which they might have taken before retirement, the Secretary of State has also decided to relax Fundamental Rule 86 during the present emergency so that such officers may enjoy the leave admissible to them, up to a maximum of 28 months, after the date of their compulsory retirement. In order to give effect to this decision, the Secretary of State desires that he should be furnished, from time to time, with lists of officers about to reach the age of compulsory retirement, showing in each case, the amount of leave that would be admissible but for the provisions of Fundamental Rule 86. The appropriate amount of leave would then be granted by the Secretary of State in exercise of the powers conferred by Section 247(7) of the Government of India, Act, 1935, to each of the individual officers concerned.

3. -----

3. I am also to add that the Provincil Governments/ you will be informed by the Finance Department of the details of the leave concession referred to above after those details have been settled."

MEMORANDUM:- Copies of the letter from the Government of India are forwarded to the officers concerned and Departments of the Secretariat for information and guidance.

2. The Departments of the Secretariat should forward to the Political and Services Department, by the end of April next and every six months thereafter the names of officers under their administrative control who are under the rule-making control of the Secretary of State and about to reach the age of the compulsory retirement, showing in each case the amount of leave that would be admissible but for the provisions of Fundamental Rule 86.

3. Cases, if any, of leave having been granted to officers covered by these orders but not yet availed of should be forwarded to the Political and Services Department urgently.

By order of the Governor of B'bay,

E.W.Perry,

Chief Secretary to the Government of B'bay.

The Secretary to the Governor,

The Accountant General, Bombay,

The Finance Department,

All other Departments of the Secretariat (except the Separate Department).

Id. 12/2/44. Id. 12/2/44.

E.B.(I). 1045/36.
4807.

Submitted for information .

2. The Secy. of State for India has decided that during the present emergency:-

(1) Officers of all Services under his rule making control excluding those governed by note 2 to C.S.R. 465-A should remain in active service until they reach the age of compulsory retirement, provided that exceptional cases are referred to him;

(ii) In the case of officers governed by note 2 to C.S.R. 465-A, the Provl. Govts. should persuade most of such officers to continue to serve upto the date of compulsory retirement;

(iii) In the case of such of the officers referred to in (i) and (ii) above who will be reqd. or persuaded to stay these officers will be given after the date of their compulsory retirement, appropriate amount of leave to which they might have been otherwise eligible. (This concession is in relaxation of fundamental rule 86.

: This Deptt. is concerned with officers of the I.S.E. only .

3. Officers of the I.S.E. (who join) their appointments after 29th Aug. 1919 or who were in service on 29th Aug. 1919 have definitely elected in writing with the permission of Govt. to come under rules 465-A, 474-A and 475-A, will come

under ----

under the exception mentioned in para.2 (ii) above. In their case, the Secy. of State has requested Provl. ~~xxxxxxxxxxxx~~ Govts. to persuade these officers to stay till the date of their compulsory retirement. The senior officers of the I.S.E. included in the exception referred to in para. 2(ii) above are:-

Mr. W.H.E.Garrod	(10/5/47)
Mr. R.H.Hammett	(17/10/47)
Mr. L.E.Greening	(10/8/46)
Mr. E.T.Roch	(24/5/47)
Mr. B.S.Vyas	(14/10/49)
Mr. C.G.Kale	(5/10/45)

(The dates of compulsory retirement of these officers are shown in brackets against their names.)

4. Para. 2 of the P.& S.D.Memo:- Of the officers mentioned in para. 3 above:-

(a) Mr. L.E.Greening, S.E.,S.C. has been granted combined leave preparatory to retirement with effect from the 1/10/44, and he has already proceeded on leave;

(b) Mr. E.T.Roch, S.E.,N.E. has been granted leave with effect from the 7/4/45 preparatory to retirement. His case was discussed at great length recently and it was proposed ~~xxxxxxx~~ that Mr. Roch should be allowed to proceed on leave as already decided. The case is under

separate ---

separate submission.

(c) Mr. C.G.Kale, who superannuates on 5/10/45 had applied for six months' leave with effect from the 5/4/45, preparatory to retirement. It has been proposed that the leave should be refused now but the same should be granted to him after he quits Govts service. This case is also under separate submission.

This has such been approved.

Id/-
15/2/45 .

(d) M/s Garrod, Hammett & Vyas have not applied for leave preparatory to retirement. The cases of these officers will accordingly be reviewed in October 1945 as desired by the P.& S.D.

There are no other officers of the I.S.E. who superannuate before Feby. 1948. The information reqd. by the P.and S.D. with ref. to para. 2 of its note under disposal is therefore "nil" and that Deptt. will be informed accordingly, if approved.

5. Para.3 of the P & S.D. memo:- Mr. E.T.Roch, has been granted leave. As expalined in para.4(b) above it has been proposed that he should allowed to go on leave. The papers dealing with the leave of Mr. Roch have been submitted separately to the Chief Secy.

6. It is for consideration whether the P.& S.D. memo. under disposal need be forwarded to the I.S.E, officers of this Deptt. for information.

Id. 15/2/45.

As ~~to~~ para.6, ~~of~~ they have not already had copies.

Id. 15Ø2/45.

Id. 16/2/45. P.K.M.

E.B.(I). 1445/36/4807

As Messrs. L.E.Greening and E.T.Roch have already been granted leave preparatory to retirement copies of the P.& S.D.Memo. No.4260/34, dated the 9/2/45 may not be addressed to them.

2. The following officers of the I.S.E,are at present not on active duty under this Deptt:-

	On Mily.duty.
Mr. E.P.Little.	
Mr. W.X.Mascarenhas, B.E., M.I.E.(Ind.)	Services placed at the disposal of the Educational Department.
Mr. A. R.Thomas, B.Sc. (Eng.)	Services placed at the disposal of the Central Board of Irrign.
Mr. N.G.Murti,B.E.	Services placed at the disposal of the G.of I.,Deptt. of Labour.

Copies of the memo. in question may however be endorsed to them. The necy. draft endt. is put up for approval.

3. The Chief Secy. P.& S.D. may be addressed as per draft at p 45post.

Id. 20/2/45. Id. 20/2/45.

P.K.M.

Below copy of G.M., P.& S.D.No.4250/36,

dated the 9-2-45.

No. 1445/36. E(I).

P.W.D., B.C., 23rd Feb. 1945.

Copy forwarded to -

Mr. W.H.E.Gerrod, M.Inst.C.E., M.R.Sen.I., M.I.E. (Ind.), I.S.E.

Mr. R.H. Hammet, M.Inst. C.E., I.S.E.

Mr. B.S.Vyas, B.E., M.I.E.(Ind.), I.S.E.

Mr. C.G.Kale, B.A., B.S.C., B.E., I.S.E.

Mr. N.P.Gurjar, B.E., I.S.E.

Mr. N.V.S.Murti, B.A., B.E.,I.S.E.

Mr. J.A.S.Menon, I.S.E.

Mr.J.R.Philips, B.Sc.(Eng.),(Lond.), I.S.E.

Capt. N.B.Gadre, M.I.E.,(Ind.), B.E., I.S.E.

Mr. E.P.Little, I.S.E.

Mr. S.K.Karandikar, B.E., I.S.E.

Mr. W.X.Mascarenhas, B.E., M.I.E.(Ind.), I.S.E.

Mr. J.F.Paisley, B.E.(Liverpool), I.S.E.

Mr. A.R.Thomas, B.Sc.(Eng.), I.S.E.

Mr. U.N.Mahida, B.E., M.I.E.(Ind) I.S.E.

Mr. G.N.Pandit, B.Sc.(Bom.), B.Sc.(Eng.).(Lond.), I.S.E.

Mr. N.G.Murthi, B.E., I.S.E.

. D.B.Anand, I.S.E.

for information..

By order of the Govr. of Bombay,

Id/-
20/2/45.

Id/-
20/2/45.

Letter.

No.1445/36-E(I).

P.W.Deptt.

B.C., 23rd Feb. 1945.

To

The Chief Secy. to the Govt. of Bombay,

P.& S.D.

Subject: Application for retirement of officers of all India Services during the present emergency who have not attained the age of compulsory retirement.

Ref: G.M., P.& S.D.No.4260/34 dated the 9-2-45.

2. The information required by you in para.2 of the G.M. under reference is 'nil' in respect of this Deptt.

3. Mr. E.T.Roch, I.S.E., S.E., N.C. has been granted leave with effect from the 7-4-45 preparatory to retirement. His case was submitted to Govt. and it has been decided that he should be allowed to proceed on leave as already sanctioned.

By order of the Govr. of Bombay,

Id/-
20/2/45.

Id/-
20/2/45.

1443/39/25026.

E.B.(I).

Submitted for information.

2. The instructions issued by the C. of I. at pages ante are in amplification of previous instructions.

3. As on the previous occasion copies of the Govt. of India's letter may be endorsed to all the I.S.E. officers on active list in this province.

4. The P.& S.D. has promised to issue further instructions in the matter. These may be awaited for sometime. In the meantime the extents to which each of the I.S.E. officers mentioned in the draft is affected by these orders is being examined. The result of the examination will be communicated to the P. & S.D. along with the report called for in para 2 of the E.B. P.& S.D. No. 4250/34, dated the 9-2-35.

5. The draft put up may issued in the first instance.

Id/-
12/9/45.

17/9/45.

The case may have to be examined, as I was denied leave prior to retirement and I would not take long leave, even though it was contemplated (See Mr.Aitken's note) officers were not being given long leave and I could not, therefore, ask for more than 6 months leave prior to retirement. Even normally I am entitled to 8 months leave on average pay in India.

dated 14/9/45.

I take it that is it not necessary to apply for leave preparatory to retirement ~~returned~~ now and get it refused (See last sentence of para 3 on p.49). P.1. confirm.

Id/-
16/9/45.

contd....

1445/36/[illegible]

(Below copy of G of I letter No.F.44(29)-P/44, dated the 15-6-45, regarding grant of extended leave preparatory to retirement in the case of officers subject to the rule making control of the S. of S.)

No.1445/36-E(I).

P.W.D.

B.C. 21st Sept. 1945.

Copy forwarded to -

Mr.W.H.E.Garrod, M.Inst.C.E., M.R.San.I., M.I.E. (Ind.), I.S.E.

Mr.R.N.Hunnet, M.I of C.E., I.S.E.

Mr.B.C.Vyas, B.E., M.I.E.(Ind.)., I.S.E.

Mr.C.G.Kale, M.C.E.A., B.Sc. B.E., I.S.E.

Mr.V.P.Gurjar, B.E., I.S.E.

Mr.H.V.S.Murti, B.A., B.E., I.S.E.,

Mr.J.A.S.Manson, I.S.E.

Mr.J.R.Phillips, B.Sc.(Eng.)(Lond.), I.S.E.

Mr.E.S.Cadre, M.I.E.(Ind.), B.E., I.S.E.

Mr.E.F.Little, I.S.E.,

Mr.G.K.Khareghat, B.E., M.I.E.(Ind.), I.S.E.

Mr.V.K.Bhonsle, B.E., M.I.E.(Ind.), I.S.E.

Mr.J.F.Pelley, B.E.(Liverpool), I.S.E.,

Mr.A.R.Thomas, B.Sc.(Eng.), I.S.E.

Mr.U.E.Kshirsagar, B.E., M.I.E. (Ind.), I.S.E.

Mr.G.E.Pandit, B.Sc. (Bom.), B.Sc. (Eng.) Lond., I.S.E.

Mr.M.G.Murti, B.E., I.S.E.

Mr. D.B.Anand, I.S.E.

for information continuation of Govt. endt. No. 1445/36.E(I), dated the 23-8-45.

Id/-
12/9/45.

By order of the Governor of Bombay.

Id/-
14/9/

Id/-
15/9/45.

Id/-
13/9/45.

Government of India

FINANCE DEPARTMENT.

New Delhi, the 15th June 1943.

From

K.R.P. Aiyangar, Esq., M.B.E.,

Deputy Secretary to the Government of India.

To

All Provincial Governments and Chief Commissioners.

Subject:- Grant of extended leave preparatory to retirement in the case of officers subject to the rule-making control of the Secretary of State in relaxation of Arts. 234 and 665 of the Civil Services Regulations or Fundamental Rule 56.

Sir,

In continuation of the Government of India, Home Department, letter No.277/43-Ests., dated the 10th January 1943 on the subject mentioned above, I am directed to state for your information that the Secretary of State has approved of the following procedure for the grant of extended leave preparatory to retirement, in relaxation of Arts. 234 and 665 of the Civil Services Regulations or of Fundamental Rule 56, as the case may be. The intention is to grant the full amount of leave for which they would otherwise have been eligible, subject to a maximum of 28 months, to officers who have been compulsorily retained in active service beyond the date on which they would normally have had to proceed on leave in order to enjoy all the leave admissible to them.

2. The concession will be applicable to all officers under the rule-making control of the Secretary of State who were in service, otherwise than on leave preparatory to retirement on 1st November 1940 and had not reached the age of compulsory retirement on that date:

Provided that, in the case of officers, not being members of the Indian Civil Service, who reached the age of compulsory retirement between the 1st November 1940 (the date of the Secretary of State's order requiring Indian Civil Service officers to remain in active service until the completion of 55 years' service) and the 19th January 1943 (the date of the Secretary of State's order requiring all officers under the

Contd....

rule-making control to remain in active service until they reach the age of compulsory retirement) the Provincial Government or the appropriate Department of the Government of the Government of India under whose control such officers were serving certify t at t they were retained in service, until the age of compulsory retirement in the public interest.

3. In respect of officers eligible for the concession who have already attained the age of compulsory retirement on the date of t these orders, the Government concerned will obtain from the audit officer a statement of leave due to the officer and leave, if any, actually availed of subsequently. In the case of officers due to retire after the date of these orders, a similar certificate should be obtained from the audit officer showing the leave that would be due to him on the date of his compulsory retirement. Except in the case of services for which a general ban was imposed on the grant of permission to take leave preparatory to retirement, an application for leave and a specific refusal of leave in the public interest will be essential conditions of eligibility for the concession.

3. The appropriate departments of the Government of India or of the Provincial Government, as the case may be, should forward direct to the Secretary of State, as soon as possible after the date of these orders and at intervals convenient to them thereafter, a list of officers eligible for the concession, based on the information obtained as ein paragraph 3 above. It has been decided that these lists should, as nearly as possible, be in the form annexed hereto, so that the Secretary of State may have all the relevant available information, before deciding on the actual period of leave to be granted. The Secretary of State for India is being requested to communicate his order regarding the grant of leave to the officers concerned direct to the administrative department of the Government of India or the Provincial Government in respect of the lists forwarded by them. The decisions of the Secretary of State relating to the various individual officers will be included in comprehensive orders covering all cases submitted to him by the Governmentof India and Provincial Governments. These Governments will then take suitable action to notify the leave after deducting from the total period of leave approved the actual periods of leave, if.....

if any, enjoyed by the officer, subsequent to the date of the report to the Secretary of State.

5. Any officer who has applied for and accepted extension of service will not be eligible for the concession as his retention in service will obviously not be compulsory. But the concession will be granted to officers who were compulsorily retained in service, whether by general or individual orders, up to the date of retirement provided that the administrative department of the Government of India or the Provincial Government certify that the officers service was extended in the public interest. The extended leave preparatory to retirement while in such cases be the amount due on the date of compulsory retirement and no period of leave earned during the extension of service will be taken in to account.

Any officer of this category, may elect, as an alternative to the enjoyment of the concession under these orders, to be governed by the ordinary rule in Fundamental Rule 86.

6. The relaxation of Fundamental Rule 86 herein explained will not carry with it any other departure from the leave rule applicable to the case of such officers. Thus the leave salary under these orders will be subject to the usual conditions regarding the amount of full pay leave admissible at a time, leave salary maximum etc., as laid down in the rules applicable to the services concerned.

7. This concession will cease from the date of withdrawal of the orders requiring officers to remain in active service until the date of compulsory retirement, but officers who have been affected by these orders will be entitled to take leave in accordance with the principles laid down for the concession.

8. The Secretary of State has also been pleased to direct that notwithstanding the provisions of the Fundamental Rules and the Civil Service Regulations, a Government servant who retires from service, on or after the date of issue of these orders, on the expiry of the leave granted to him

thereunder.....

thereunder, shall:

(i) have his lien on his permanent post terminated with effect from the commencement of such leave,

(ii) have his average emoluments for the purposes of pension calculated under the provisions of rt.487 of the Civil Service Regulations upon the last three years of his service, which for the purposes of this calculation shall be deemed to have terminated on the date of expiry of the first six months of such leave, or if the priod enjoyed is less than six months, on the date of expiry that period,

(iii) count his leave as qualifying service for the purposes of Arts.407 and 408 of the Civil Service Regulations, upto a maximum period of 6 months, and

(iv) count as effective service for additional pension, that portion of the leave which corresponds to privillege leave if he proceeds on leave from a post, service in which would otherwise qualify for additional pension under the rules.

9. It is not the intention that officers who have already retired should be denied the benefit of the present orders if they were in active service on 1st November, 1940 and were in fact refused leave up to date of compulsory retirement to which they were eligible. It is possible that some officers would not have been eligible for the maximum amount of leave that can be taken at any one time preparatory to retirement on the date when the ban on leave came into force. Such officers would then be eligible only for such leave after 1st November 1940 as would take them to the date of compulsory retirement. In every case the leave benefit actually allowed under Fundamental Rule 86 will also be set off against the leave due. In the case of an officer who has already retired the reopening of his leave account will not in any way affect the amount of the pension already sanctioned.

10. The Government of India consider that in the case of those services where no ban has been imposed on leave preparatory to retirement, it is unnecessary to provide for any relaxation of Fundamental Rule 86. For the rest, in regard to individual cases of officers under the control of the Governor-General who have been refused on public grounds .....

grounds leave preparatory to retirement, the Government of India have decided generally to extend the concession on the same scale as for Secretary of State's officers. This will, however, be subject to the condition that in the case of Class I Services to which no general ban was applied on the grant of leave preparatory to retirement only such leave as has been asked for and refused will be allowed although such leave may be in excess of the normal limit of 6 months prescribed in Fundamental Rule 86.

11. In the case of all the Railway Services a ban was imposed on leave preparatory to retirement and separate orders will issue from the Railway Department indicating the extent to which the present concession will apply to Secretary of State's officers and officers under the rule-making control of the Governor-General in Council serving on the railways.

12. In the meantime, action in respect of Secretary of State's officers may kindly be taken in accordance with these instructions. The Provincial Governments will no doubt agree that this concession should not be made available as a matter of course to officers whom for one reason or another, it is not necessary or desirable to retain compulsorily till the age of retirement; and it is also important that officers to whom leave can be granted without inconvenience, e.g., officers of mediocre ability, should be warned in good time that it is not proposed to retain them in service till the date of compulsory retirement, and they will be allowed to take the leave due to them before this date if they apply for it.

I have the honour to be,

Sir,

Your most obedient servant,

K.R.P.AIYANGAR,

Dy. Secy. to the Govt. of India.

No.F.44(29)-W/44.

Copy forwarded to the several Departments of the Government of India; the Political Department; the Secretaries to the Governor General (Public), (Personal) and (Reforms); the

Financial...

Financial Adviser, War and Supply; the Crown Finance Officer; the Financial Adviser); Communications; the Additional Financial Adviser (Supply Finance); the Joint Financial Adviser (Supply); the Joint Financial Adviser (Munitions Production), Calcutta; the Joint Financial Adviser (Food); the Joint Financial Adviser (Cotton Textiles); the Financial Commissioner, Railways; the Secretary to the Executive Council; the Federal Court; the Military Secretary to His Excellency the Viceroy; the Auditor-General of India; the Central Board of Revenue; all Accountants-General and Comptrollers; the Director of Audit, War and Supply; the Director of Railway Audit; the Chief Controller of Supply Accounts and all Controllers under him; the Controller of Food Accounts; the Deputy Accountants General under the Accountant General, Posts and Telegraphs; and the Accounts Officer, Telegraph Check Office, Calcutta.

Copy also forwarded to the Mint Masters, Bombay, Calcutta and Lahore; and the Master Security Printing, India.

By order, etc.,

B.L.BATRA,

Assistant Secretary to the Government of India.

Information to be supplied to the Secretary of State in regard to officers of his services

Name of officer.

Service of origin.

Date of commencement of service.

Date of compulsory retirement.

Periods, if any, for which the officer hasbeen on foreign service after the outbreak of the war in Europe.

Whether the officer was or will be retained in service in the public interests upto the date of compulsory retirement.

Total amount of leave at credit on the date of compulsory retirement as certified by the Audit Officer.

Leave taken, if any, subsequent to the date of the Audit Officer's certificate.

For.....-

For Officers on extension of service.

Was the extension granted at the officer's own request?

Was he retained in service upto date of compulsory retirement solely in public interest ?

Has the officer derived additional benefit because of the extension, e.g., the shape of pension or additional pension?

For Officers who have retired.

If the officer has been re-employed without a break in Government service, have the conditions which would normally have been applicable to him, e.g.,pay of the post, leave during re-employment, been altered to his advantage? If so, to what extent?

Remarks of the Administrative Department.

Head of the Department.

No.4260/34-P.

Political and Services Department.

By
Bombay Castle, 19th October 1945.

Subject:- Grant of extended leave preparatory to retirement in the case of officers subject to the rule-making control of the Secretary of State in relaxation of Articles 284 and 285 of the Civil Service Regulations or Fundamental Rule 56.

Memorandum.

Attention is invited to Government Memorandum, Political and Services Department, No.4260/34-P dated the 9th February 1945 and the Government of India, Finance Department letter No.F.44(29)E/44 dated the 15th June 1945, forwarded with Political and Services Department endorsement No.4260/34-P, dated the 2nd August 1945, on the subject noted above. All Departments of the Secretariat are requested to examine, so far as they are respectively concerned, the case of officers, under the rule-making control of the Secretary of State who have been affected by the ban on retirement since the 1st November 1940, in accordance with the instructions contained in the Government of India letter under reference and to furnish to this Department, by the 15th November 1945 at the latest for communication to the Secretary of State, a list of officers eligible for grant of extended leave preparatory to retirement in relaxation of Articles 284 and 285 of the Civil Service Regulations or Fundamental Rule 56, together with information regarding each officer in the form annexed to the Government of India's letter.

2. Similar information should be supplied to this Department by the end of April 1946 and every four months thereafter.

J.Cowen,

For Chief Secretary to the Government of Bombay,
Political and Services Department.

To

All Departments of the Secretariat (except the Separate Department).

Copy to the Accountant General, Bombay, for information

GOVERNMENT OF BOMBAY.

Political And Services Department.

Resolution No.1720/34.

Bombay Castle, 13th August 1945.

Read Government Resolution, Political and Reforms Department, No.1720/34, dated the 13th August 1937.

Letter from the Government of India, Home Department, No.336/44-Ests., dated the 3rd August 1945:-

"With reference to the correspondence resting with your telegram No.35, dated the 1st March 1945, on the subject noted above, I am directed to say that the Secretary of State for India has accorded his sanction to the extension of the right to retire on proportionate pension under the Premature Retirement Rules, 1937, to officers of Asiatic domicile, recruited after the 1st April 1924, to all the Services to which at present the Rules relate. A copy* of the amendments in the rules made by the Secretary of State is forwarded herewith. As the Premature Retirement Rules will not apply to officers appointed to the 'reserved' vacancies which are soon to be filled (these officers will be covered by a separate set of Rules in this regard), the limiting date 1st June 1945, has been inserted in clause (B) of sub-rule (i) of Rule 2 of the rules."

Resolution.- Copies of the Government of India's letter and its accompaniment should be forwarded to the members of the All-India Services and to the Service Associations concerned for information.

By order of the Governor of Bombay,

H. T. SORLEY,
Chief Secretary to the Government of Bombay,
Political and Services Department.

To

The Accountant General, Bombay,
The Secretary to the Governor,

The Military Secretary to His Excellency the Governor,

All members of the All-India Services,

All Departments of the Secretariat (except the Separate Department),

The Honorary Secretary, Indian Civil Service Association, Bombay Branch,

The Honorary Secretary, Indian Police Association, Bombay Brahch,

The Honorary Secretary Civil Engineers' Association, Bombay Brahch,

The Honorary Secretary, Forest Officers' Association, Bombay Branch,

The Hono-rary Secretary, Bombay European Government Servants' Association.

*Printed as an accompaniment to this Resolution.

No. of 1945.

Copy forwarded for information and guidance to

Accompaniment to Government Resolution, Political and Services Department, No.1720/34, dated the 13th August 1945.

NOTIFICATION.

in the Premature Retirement [illegible]és
I, Leopold Stenett Amery, one of His Majesty's Secretaries of State in virtue of the powers conferred by sub-section (1) of section 247 and sub-section (2) of section 257 of the Government of India Act, 1935, hereby make, with the concurrence of my advisers, the following amendments in the Premature Retirement Rules, 1937, namely:-

Are Published for general information

"In Rule 2 of the said Rules -

(i) in clause (A) of sub-rule (1) the words 'and who, is so selected or appointed after 1st April 1924, was at the time of such selection or appointment of non-Asiatic domicile 'shall be omitted.

(ii) in clause (B) of sub-rule (1) for the words 'and whose domicile at the time of such selection or appointment was non-Asiatic' the words 'and before 1st June 1945', shall be substituted."

Given.....

Given under my hand this 19th Day of July 1946.

L.S. Amery.

One of His Majesty's Principal

Secretaries of State.

(Sd) D.C.Rae,

Deputy Secretary to the Government of India.

Copy of ~~a~~/ letter from the Government of India, Home Department, No.414/45-Ests(R), dated the 3rd December 1945.

Subject:- Removal of the ban on retirement of officers belonging to Secretary of State's Services before reaching the age of superannuation.

"I am directed to (-invite a reference to the Home Department letter No.414/45-Ests., dated the 22nd August, 1945, on the above subject and to the Provincial Government's reply thereto and to)- state that the Secretary of State is pleased to lift the ban on ordinary retirements i.e. retirements on retiring pension, with effect from the 1st January, 1947. He is, however, prepared to consider individual applications for retirement before that date sympathetically, if circumstances/permit.

I am also to say that with immediate effect I.C.S. Officers will, on completion of 32 years' total service, be permitted to take accumulated leave and to retire and ~~and~~ officers belonging to other services under the rule making control of the Secretary of State will be permitted to take accumulated leave immediately prior to the date of compulsory superannuation instead of after that date, as at present, and to retire on the date of compulsory superannuation.

2. I am to add that the Secretary of State intends/ to lift the ban on retirement under the Premature Retirement Rules with effect from the 1st October, 1947."

No.4260/34-D.

Political and Services Department,

Bombay Castle, 10th December 1945.

Forwarded for information and guidance to:-

The Secretary to the Governor,

The Accountant General, Bombay,

All.....

All Departments of the Secretariat

(except the Separate Department),

with reference to Political and Services Department endorsement No.4260/34-D, dated the 18th January 1941 and memorandum No.4260/34, dated the 9th February 1945.

By order of the Governor of Bombay,

C.K. Maru,

For Chief Secretary to the Government of Bombay,

Political and Services Department.

1445/36
41356.

E.P. (I)

P. N. D.

Submitted (together with Sr.Nos.41534, 40502 and 41103).

2. Sr.Nos.41534 and 41356. In view of the A.G.'s certificate of leave admissible to Messrs. Garrod & Hammet and the notes at pp. 70-71, the names of the two officers may be reported to the Secy. of State through the P. & S.D.

It has since been decided that the case of Mr. C.G.Kale, C.I.E., I.S.E., should also be reported to the P. & S.D. and orders of the S. of S. may be obtained as regards the amount of leave that may be granted to Mr. Kale after he finally quits service. This Govt. has to recommend the full amount of leave. Fl. see copies of notes at pp.61-66.

The P. & S.D. may be informed as per draft put up.

3. S.No.40502. The revised orders of the S. of S. as regards right of an officer to retire prematurely are noted. These orders have been addressed, inter alia, to all members of the All-India Services.

4. S.No.41103. The orders re: removal of the ban on retirement of officers belonging to the S. of S.'s services may be enforced to I.S.E. officers in continuation of Govt. Endt. No.1445/36-S(I), dated the 25-2-45.

5. The P. & S.D. may be addressed as per draft put up.

Id/-
20/12/45.

Id/-
20/12/45.

1445/36
41366.

(Below P. & S.D. endt. No.4260/34, dated the 10-12-45 and accompt. ref removal of ban on retirement of officers belonging to the Secy. of State's services before reaching the age of superannuation).

*****

No.1445/36-E(I). P.W.D.

B.C., 22nd Decr. 1945.

Copy forwarded to -

W.H.E.Gerrod, Esquire, M.Inst.C.E., M.I.Mech.E., M.I.E.(Ind.), I.S.E.,

R.H.Hammet, Esq., M.Inst. C.E., I.S.E.,

B.S.Vyas, Esq., B.E., M.I.E.(Ind.), I.S.E.,

N.P.Gurjar, Esq., B.E., I.S.E.,

N.V.S.Murti, Esq., B.A., B.E., I.S.E.,

J.R.Phillips, B.Sc.(Eng.) Lond., I.S.E.,

J.A.S.Monson, Esq., I.S.E.,

N.B.Gadre, Esq., B.E., M.I.E.(Ind.), I.S.E.,

E.P.Little, Esq., I.S.E.,

S.K.Karandikar, Esq., B.E., I.S.E.,

W.X.Mascarenhas, Esq., B.E., M.I.E.(Ind.), I.S.E.,

J.F.Paisley, Esq., B.E.(Liverpool), I.S.E.,

.R.Thomas, Esq., B.Sc.(Eng.), I.S.E.,

U.N.Mahida, Esq., B.E., M.I.E.(Ind.), I.S.E.,

G.N.Paddit, Esq., B.Sc.(Eng.) Lond., I.S.E.,

M.G.K.Murti, Esq., B.E., I.S.E.,

D.B.Anand, Esquire, I.S.E.,

for information.

By orders of the G. of B.

Id/-
20/12/45.

Id/-
20/12/45.

Statement showing information to be supplied to the Secretary of State in regard to officers of his services for determining the amount of leave admissible after the date of compulsory retirement.

Name of Officer.	Mr. W.H.E.Garrod, M.Inst.C.E., I.S.E.	Mr.R.H.Hammett, M.Inst.C.E., I.S.E.	Mr.C.G.Kale, C.I.E., I.S.E.
Service of origin.	21st March 1920 Counts 4 years ~~were~~ your service towards pay & senarity & pension.	27th Nov. 1919 Counts 3 years ~~were~~ your service - toward, pay & senarity 4 years towards pension.	25th Aug. 1917.
Date of commencement of service.	1st Oct. 1919.	1st Oct. 1919	25th Aug. 1917.
Date of compulsory retirement.	10th May 1947	17th Oct. 1947	5th Oct. 1945 (It has been decided to grant Mr. Kale extension of service upto the middle of. Jany. 1946 i.e. till the return of Mr. Hammett.)
Periods, if any, for which the officer has been on foreign service after the out-break of the war in Europe.	Nil.	Nil	Nil
Whether the officer was or will be retained in service in the public interests up to the date of compulsory retirement.	Yes.	Yes.	Yes.

Total amount of leave at credit on the date of compulsory retirement as certified by the Audit Officer.	Leave on av: pay for 3 months & 21 days combined with leave on half av: pay for 2 yrs. & 10 days.	Leave on av: pay for 8 months combined with leave on half av: pay for 20 months.	Leave on av: pay for 8 months combined with leave on half av: pay for 20 months.
Leave taken, if any, subsequent to the date of the Audit Officer's certificate.	Nil	Nil	Nil
<u>For Officerion extension of service.</u>			
Was the extension granted at the officer's own request?	—	—	No
Was he retained in service up to date of compulsory retirement solely in public interest?	—	—	Yes
Has the officer derived additional benefit because of the extension, e.g., in the shape of pension of additional pension.	—	—	No
<u>For Officers who have retired.</u>			
If the officer has been re-employed without a break in Govt. service, have the conditions which would normally have been applicable to him, e. g., ~~xxxxxx~~ pay of the post, leave during re-employment, been altered to his advantage ? If so, to what extent?	—	—	—

Remaks of the Administrative Department.

gd
20-XII-45

Letter.

No.1440/36-E(I). P. W. D.,

B.C., 22nd Dec. 1945.

To

The Chief Secy. to the Govt. of Bombay,

Political and Services Deptt.

Subject: As at p. ante.

.....

Reference: your memo. No.4260/36-E, dated the 19-10-1945.

2. As statement showing a list of officers eligible for grant of extended leave preparatory to retirement in relaxation of Fundamental Rule 86, together with information regarding each of the three officers noted in the margin, is enclosed, for favours of communication to the Secretary of State.

Mr. W.H.H. Garrod, M.Inst. C.E., I.S.E.
Mr. R.H. Hammett, M.Inst. C.E., I.S.E.
Mr. C.C.Kale, C.I.E.,I.S.E.

3. Mr. C.C.Kale, C.I.E., I.S.E., Ch.Engr. & Secy. to the G. of B., P.W.D. (Irrign.), has been allowed an extension of service upto the middle of Jany. 1946, i.e. till the date of return from leave of Mr.R.H.Hammett, M.Inst. C.E., I.S.E., C.E. & Secy. to the G. of B., P.W.D. (Irrign.) It has been decided by Govt. that from the date of Mr. Kale relinquishes charge of the office of the C.E. & Secy. to the G. of B., P.W.D. (I.) he should be re-employed as temporary Ch.Engr. (Post War Reconstruction) on contract for a period of three years in the scale of Rs. 2,750-125-3,000.

4. Mr. Kale's retention in service upto the middle of January 1946 was in the interest of Govt. service. Under the orders contained in G. of I., F.D., letter No.F.44(29)-2-44, dated the 13-6-45, the A.G., B'bay, has certified that Mr. Kale would have been entitled to 6 months leave on average pay and 20 months' leave on half ~~pay~~ av. pay on the date on which he will relinquish his present charge.

5. .....

1448/39

5. On account of post war activities of this Govt. it has been decided by Govt. that Mr. Kale should assume charge of the office of the Ch.Engr. (Post War Reconstruction) immediately after he has relinquished the charge of the office of the C.E. & Secy. to the C. of B., P.W.D.(Irrign.) Govt. has also decided that Mr. Kale's case should be reported to the Secy. of State for his orders with a recommendation from this Govt. that the 28 months' combined leave to which Mr. Kale would have been entitled should be granted to him at the end of his contract as Ch. Engr. (Post War Reconstruction).

By order of the C. of B.

Id/-
20/12/45.

Id/.
20/12/45.

Copy of a letter from the Government of India, Home Department, No.414/45-Ests(R), dated the 3rd December 1945.

Subject:- Removal of the ban on retirement of officers belonging to Secretary of State's Services before reaching the age of superannuation.

"I am directed to (invite a reference to the Home Department letter No.414/45-Ests., dated the 22nd August 1945, on the above subject and to the Provincial Government's reply thereto and to) state that the Secretary of State is pleased to lift the ban on ordinary retirements i.e. retirements on retiring pension, with effect from the 1st January 1947. He is, however, prepared to consider individual applications for retirement before that date sympathetically, if circum - stances permit.

I am also to say that with immediate effect I.C.S.officers will, on completion of 32 years' total service, be permitted to take accumulated leave and to retire and officers belonging to other services under the rule making control of the Secretary of state will be permitted to take accumulated leave immdtly, prior to the date of compulsory superannuation instead of after that date, as at present, and to retire on the date of compulsory superannuation.

2. I am to add that the Secretary of State intends to lift the ban on retirement under the Premature Retirement Rules with effect from the 1st October 1947.

No.4260/34-D.

Political and Services Department,

Bombay Castle, 10th December 1945.

Forwarded for information and guidance to -

The Secretary to the Governor,

The Accountant General, Bombay,

All Departments of the Secretariat

(except the Separate Department),

with reference to Political and Services Department endorsement No.4260/34-D, dated the 18th January 1941 and memorandum No.4260,

dated.....

4260/34, dated the 9th February 1945.

By order of the Governor of Bombay,

C.K.Maru,

For Chief Secretary to the Government of Bombay,

Political and Services Department.

No.1445/36-E(I). Public Works Department,

Bombay Castle, 22nd December 1945.

Copy forwarded to -

W.H.E.Garrod, Esquire, M.Inst. C.E., M.R.San. I.,
M.InE.(Ind.), I.S.E.,
R.H.Hammett, Esquire, M.Inst., C.E. I.S.E.,
B.S.Vyas, Esquire, B.E., M.I.E.(Ind.)., I.S.E.
N.P.Gurjar, Esquire, B.E., I.S.E.,
N.V.S.Murti, Esquire, B.A., B.E., I.S.E. ,
J.R.Phillips, Esquire, B.Sc.(Eng.) Lond., I.S.E.,
J.A.S.Manson, Esquire, I.S.E.,
N.B.Gadre, Esquire, B.E., M.I.E.(Ind.), I.S.E.,
E.P.Little, Esquire, I.S.E.,
S.K.Karandikar, Esquire, B.E., I S.E.,
W.X.Mascarenhas, Esquire, B.E., M.I.E.(Ind.), I.S.E.,
J.F.Paisley, Esquire B.E.(Liverpool), I.S.E.,
A.R.Thomas, Esquire, B.Sc.(Eng.), I.S.E.,
U.N.Mahida, Esquire, B.E., M.I.E.(Ind.), I.S.E.,
G.N.Pandit, Esquire, B.Sc.(Eng.)Lond., I.S.E.,
N.G.K.Murti, Esquire, B.E., I.S.E.,
D.B.Anand, Esquire, I.S.E.

for information.

By order of the Governor of Bombay,

Sd/ 26-12-45

For the Secretary to the Government of Bombay,

Public Works Department.

Removal of the ban on retirement of officers belonging to the Secretary of State's services before reaching the age of superannuation.

Government of Bombay,
Political and Services Department,
Circular No.4800/34,
Bombay Castle, 16th January 1940.

SIRCULAR.

The Secretary of State has decided to lift the ban on ordinary retirements i.e. retirementsan retiring pension, of officers under his rule-making control, with effect from the 1st January 1947. He is, however, prepared to consider individual applications for retirement before that date sympathetically, if circumstances permit. Also with immediate effect, unless Government does not consider their retention in active service necessary in the public interest, Indian Civil Service officers, will on completion of 23 years total service, be permitted to take accumulated leave and to retire and officers belonging to other services under the rule-making control of the Secretary of State will be permitted to take accumulated leave immediately prior to the date of compulsory retirement instead of after that date as at present and to retire on the date of compulsory superannuation.

2. It is intended that the ban on retirement under the Premature Retirement Rules should be lifted with effect from the 1st October 1947. The final decision when reached will be communicated to the officers and Departments concerned.

By order of the Governor of Bombay,
H.T.Sorabjy,
Chief Secretary to the Government of Bombay,
Political and Services Department.

To.....

To

A.G., Bombay,

All Officers of the Secretary of State's Services under the administrative control of the Government of Bombay.

All Departments of the Secretariat (except the Separate Department).

S.P.(I).

Submitted for information.

Id/-
G.A.G.
30/1/46.

Sec.(I)

Id/-
30/1/46.

Id/-
30/1/46..

Reference: G.C. 4260/34 P. & S.D. dated 16/1/46, re: removal of the ban on retirement.

How does this affect me?

I superannuate on 10/5/47, and have 28 months leave ~~fur yo mr.~~ due to me.

Will this 28 months count from 10-5-47 or 1-1-47?

I presume there is no doubt that I shall be able to take leave after superannuaction inspite of the G.R.

If necessary refer to P. & S.D..

Id/-
2-2-46.

1445/36

Public Works Department.

P.B.(I).

Resubmitted.

The ban on ordinary retirements i.e. retirements on retiring pension of officers belonging to the Secy.of State's services has been removed with effect from the 1-1-47. In accordance with the orders issued in the Govt. of India (F.D) letter No.F.44(29)-E/44 dated the 16-6-45, the officers who have been compulsorily retained in active service beyond the date on which they would normally proceed on leave in order to enjoy allthe leave admissible to them have been granted the concession of leave, subject to a maximum of 28 months,from the date of their compulsory retirement. In para 7 of the letter it has been stated that the concession will cease from the date of withdrawal of the orders requiring officers to remain in active service until the date of compulsory retirement, but the officers who have been affected by these orders will be entitled to take leave in accordance with the principles laid down for the concession. The Secy. hasbeen held eligible for the grant of extended leave preparatory to retirement in relaxation of F.R.86 with effect from the 10-6-47 vide Govt.Letter No.1445/36-E(I), dated the 22-12-45, addressed to the P.& S.Deptt. and the notes underlying it. As the ban has been removed from the 1-1-47, it appears that the Secy. will be eligible for 28 months' leave from the 1-1-47, instead of from the 10-6-47, the date of superannuation. The Secy. can get 28 months' leave as a special case from the 10-6-47 if the leave is refused in the interest of the public service.

3. The above note may be shown U.O. to the P.& S.D. and the F.D. with a request to state whether the above view is correct.

Id/-
14/2/46.

Id/-
14/2/46.

Urgent .

W.O. to P.& S.D.
U.O. to F.D. dated the 16th February 1946.

P.& S.D.

Seen and passed on to the F.D.

The view taken in the P.W.D. note overleaf appears to be correct.

Id/-
4/3/46.

Id/- S.S.D.
4/3/46.

Id/-
4/3/46.

U.O.R. to F.D. dated the5/3/46.

Finance Department.- C.

Two possibilities are envisaged in the P.W.D. note dated 14.2.46 (p.99 ante) viz.-

(i) The Secy. P.W.D., Mr.Garrod, proceeding on leave preparatory to retirement from 1.1.47, (the date from which the general ban on retirement in the case of Secy. of State's officers has been lifted);

or(ii) Mr.Garrod continuing on duty till 10.5.47 (the date of his compulsory retirement).

2. As regards (i), pl. see paras 4 and 7 of the C. of I., F.D. letter No.F.44(29)-W/44 dated the 10th June 1946. Mr.G. will be eligible for such leave, not exceeding 28 months in all, as is sanctioned for him by the Secy. of State if he proceeds on leave from 1.1.47.

3. As regards (ii), since the ban is lifted from 1.1.47, Mr.G cannot be said to be prevented on and after that date, from taking leave preparatory to retirement because of the ban, irrespective of whether he continues to be on duty till 10.5.47 of his own accord or because of his compulsory retention in pub ic interest.
Therefore, Mr.G's leave from 10.5.47 would appear to be dependent on the fulfillment of the conditions in F.R.86 i.e. he can be granted leave from 10.5.47 not only subject to the condition regarding refusal in public interest, but also subject to the limit

2f...

of'six months', as against the limit of '28 months' prescribed by G. of I. letter dated 15.6.45, which is in relaxation of F.R.86 will require to be relaxed by the Secy. of State in order to enable grant of leave upto 28 months after 10.5.47. There is no specific ruling in para. 7 of the Govt. of India letter dated 15.6.45, that the leave which would be admissible under those orders from the date of withdrawal of theban i.e. from 1.1.47, can also be given from the date of compulsory retirement when it falls after 1.1.47. As the point is of general importance, the P.W.D. may be advised to refer it to the A.G., and the Govt. of India if necessary In any case, the decision of the A.G. and the Govt. of India may be shown to this Deptt.

Id/-
29/3/46.

Id/-
20/3/

E.B.I 23/3

U.O.R. to the P.W.D. dated 22-3-46.

Ref. to A.G. & G. of I.

Secy.(R&B.) Id/-
20/3/46.

I cannot help but feel that this is not the interpretation intended to be put on these orders for I cannot believe that the secretary of State could intend that in many cases officers would suffer, as a result of his orders, and through no fault of their own.

2. One needs only to consider the case of an officer due to superannuate say on the 30th June 1947, who now applies for leave pending retirement from the 31-12-46. If it is due to him he isthen entitled to 28 months leave. If however, to suit the convenience of Government, he is not allowed to proceed on

leave...

leave until may the 31-3-47, he will, if the above interpretation be correct, only be entitled to 3 months leave, thus being penalized to the extent of 25 months leave; and again if this interpretation is right, it will not be within the power of Government to correct this. I am sure such a ruling cannot be in order.

3. What would appear to be more reasonable would be that he is entitled to 28 months leave from the 31-12-46; because at the request of the Secretary of State he remained on duty when he might have gone on leave pending retirement; this means that he must superannuate on the 30-4-49. I suggest that the fairest ruling would be to fix that date and permit him to take whatever leave he may be entitled to which would terminate on that date. Thus in the example given above the officer permitted to go on leave on the 1-4-47 would be allowed 25 months leave-pending retirement, still on from 30-4-49.

4. A ruling on the above lines would be fair to all and in keeping with the spirit behind the original ban on retirement until the age of superannuation, for it should be remembered that in some cases, it was asked that those officers excluded from the rule and so still free to leave service, should be urged not to do so until they reached the age of superannuation.

Id/-
7/4/46.

Id/-
7/4/46.

U.O. to the A.G., B'bay, dated 4th April 1946.

A.G.'s Office.
Railway.

Returned.

2. As the Secretary of State has decided to lift the ban on ordinary retirements with effect from 1.1.1947, it appears that the concession of extended leave preparatory to retirement will cease from that date. The officers effected by the orders imposing the ban will, however, be entitled to take leave thereafter in accordance with the principles laid down for the concession, vide para 7 of the Government of India, Finance Department letter No. F.44(29)-W/44 dated 15.6.1945. The Government of India have not indicated how these principles will ~~XXX~~ be applied in actual practice but there may also be the intention to reduce the maximum accumulated leave admissible to an officer by the period by which he delays taking leave after 1.1.47 for instance, Mr.Conrod will be entitled to take the maximum leave of 28 months due to him if he proceeds on leave from 1.1.1947, but in the event of his remaining on duty till 10.5.1947 he will be entitled to take leave for 28 months and 20 days only. The same view has been expressed in the Secretary, Public Works Department note dated 2.6.1946 but this may be please confirmed by a reference to the Government of India. There might be cases in which an officer will be retained on duty after 1.1.1947 not for his own convenience but because he cannot be relieved by Government in the interest and in the exigencies of public servants. It is not clear whether in such cases also the period of the maximum accumulated leave should be curtailed by the ~~XXX~~ period intervening between 1.1.1 , and the actual date of proceeding on leave. This point may also be referred to the Government of India.

3. Further, according to sub-para 2 of para 1 of the Government of India, Home Department letter No.

cont'd...

No.45-Cats(R), dated 3.12.1945, though the general will continue till 1.1.1947, individual officers be permitted to take accumulated leave preparatory to retirement from an earlier date, if they so desire. It is, however, not clear from those orders how such case an officer, who has accumulated leave of 20 months and whose date of compulsory superannuation, ie, say, 1.4.1947, can be allowed all the leave admissible to him, say, from 1.6.1946, with actually extending the date of his compulsory superannuation. Whether this is intended by the of India will also have to be ascertained to clerify the position. The treatment accorded in the matter of leave to officers on extension of service and whose extension certified by the Provincial Government to be interest of public service, will also require -tion by the Government of India.

Id/-

A.G.

U.O.R. to the Govt. in the P.W.D., Bombay

No.G.II/271 dated the 24th April 1946.

Secy.(I) The A.G. seems to have towards my reading of the interpretation of the proposals.

Id/-
25/4/46.

Secy.(R. & B.) The matter should be referred at once to G. of I.

Id/-
25/4/46.

Copy of a letter from the Government of India, Finance Department, No. F.44(29)-W/44, dated the 11th January 1946.

Subject:- Relaxation of Fundamental Rule 86 and Article 234 of the Civil Service Regulations.

.....

In continuation of this Department letter No.F.44(29)-W/44, dated the 15th June 1945 on the subject mentioned above, I am directed to state that a question has been raised whether the concession stated therein is open to all officers under the rule making control of the Secretary of State, irrespective of the services to which they may belong, or is restricted to officers of the Secretary of State's services. e.g. the Indian Civil Service, the Indian Police, etc., It has been decided that as the ban on retirement imposed in the Govrnment of India, Home Department letter No.277/43-Ests, dated the 19th January 1945, was in respect of the Secretary of State's services only, the consequential grant of the concession of extended leave preparatory to retirement is also open only to members of the "services" under the rule making control of the Secretary of State and not to individual officers who are under his rule-making control but do not belong to those "services." The cases of the latter officers, if any, will be dealt with on the same basis as those of Class I officers under the rule-making control of the Governor General in Council, and will be referred for the orders of the Secretary of State on merits under Section 247(7) of the Government of India Act.

2. It has been decided that the case of an officer who is entitled to the concession mentioned in Note 2 below Article 465-A of the Civil Service Regulations, but has been persuaded to stay in active service for the period the ban on retirement continues without exercising that right, will be treated as if the officer had been compelled to stay for the..

the period of active service in question.

3. The question has also been raised whether the concession mentioned in this Department letter dated the 15th June 1945 is applicable to officers of the Government of India who before the date of their compulsory retirement are promoted either in an officiating or a substantive capacity to a Class I service or appointment. It has been decided by the Governor General in Council that no benefit under these orders may be allowed unless the officer concerned was a substantive holder of a Class I post or a member of a Class I service on the date of the orders imposing a ban if any, on leave preparatory to retirement, or on a date at least 28 months earlier than the date of his compulsory retirement.

No. 4260/34-D.

Political and Services Department.

Bombay Castle, 9th March 1946.

Forwarded to

The Secretary to the Governor,

The Accountant General, Bombay,

The Finance Department,

All other Departments of the Secretariat.

for information and guidance with reference to Government endorsement, Political and Services Department, No.4260/34, dated the 2nd August 1945.

By order of the Governor of Bombay,

C.K.Maru,

For Chief Secretary to the Government of Bombay, Political and Services Department.

Copy of an express letter from the Government of India, Home Department, No.200/46-Eats. dated the 6th March 1946.

"In continuation of paragraph 4 of Home Department Express letter No.200/46-Eats, dated the 26th February 1946.

2. Secretary of State has passed the following orders in regard to officers who may wish to retire on ordinary retirement at the end of 1946 and who also wish to take long leave during 1946.

(1) If an officer wishes to retire on ordinary retirement at the end of 1946 the Provincial Government should ordinarily consider whether he should not remain on duty until that time, any application for leave being refused.

(2) Such an officer may be granted long leave in 1946 for special reasons provided that the man-power situation in the Province permits and provided also it does not adversely affect the grant of long leave to other officers who are returning to duty after leave. Such special reasons might include indifferent health, compelling family considerations, or undue length of period since last long leave was taken, for example, 8 years or so.

If leave is granted under this provision officer will not be required to return to duty and leave will therefore be preparatory to retirement.

The specific orders of the Secretary of State will be required in each case, but such cases will be dealt with on the above lines on the recommendation of the Provincial Government.

3. Secretary of State has also decided that if Advisers who have not yet completed 32 years' service wish to take leave preparatory to retirement on demitting office on the advent of a Ministry he will permit them to do so".

No.4200/34-D.

Political and Services Department,

Bombay Castle, 27th March 1946.

Forwarded to :-

The Secretary to the Governor,

The Accountant.....

The Accountant General, Bombay,

All Departments of the Secretariat,

(except the Separate Department),

for information and guidance in continuation of the Political and Services Department endorsement No.4260/34-D dated the 10th December 1940.

By order of the Governor of Bombay,

C.K.Mane,

For Chief Secretary to the Government of Bombay,

Political and Services Department.

Secy.(I)

Id/-
28/3/46.

Secy.(R. & B.)

Id/-
28/3/46.

No.2100 of 1946,

Poona, 31st March 1946.

From

R.A. Collett, Esquire, O.B.E., F.R.San.I.,
Public Health Engineer to Government,
Poona.

To The Secretary to Government,
Public Works Department, Bombay.

Sir,

I am informed that the Secretary of State has recently sanctioned certain emergency leave rules which apply to Civil Officers who have been on continuous duty in India in connection with war works and who owing to these works have not availed themselves of the leave normally due to them. I am informed that if one applies for retirement before the end of this year that in certain cases the officer would be entitled to 24 months leave on half average pay. Kindly inform me if I come under this category. There is no doubt that owing to the extensive war works I have supervised that I have not taken any leave in nine years with the exception of 3 months in Ceylon, when I had breakdown.

Kindly supply me with a copy of the orders in this respect.

Id/-
Public Health Engineer
to Government.

1445/36....

1445/36
12640

E.B.(I).

Submitted ~~these~~ together with S.Nos.10164 and 12016.

2. The main file has been refd. u.o. to the A.G., Bombay, on the 3-4-46. Its receipt may be ~~awaited~~ awaited.

Id/-
4/4/46.

Id/-
5/4/46.

Id/- M.G.J.

4/4/46.

E.B.(I) ~~P.W.D.~~

The A.G., Bombay expedited under No. 1445/36, dated 23rd April 1946.

Id/- S.A.C.
22/4/46.

Id/-
22/4/46.

1440/36.

Has any answer been received yet from the A.C., ~~[illegible]~~ about the necessity of returning on 1/1/47 if 28 months leave is to be enquired. enjoyed:

If not, please expedite as this also him to go to C. of I.

Id/-
22/4/40.

Asstt. Copy.

1440/33. P.M.S.

P.M.(1).

The file (No.1440/36) on the subject was referred u.o. to the A.C. on 3.4.40, and has not been received back on yet. ~~It~~ has been expedited repeatedly for very early ~~a~~ turn of the file.

Id/-
C.A.C.
22/4/40.

Id/-
22/4/40.

Id/-
22/4/40.

Statement showing information to be supplied to the Secretary of State in regard to officers of his services for determining the amount of leave admissible after the date of compulsory retirement.

Name of officer.	Mr. W.H.E.Garrod, M.Inst.C.E., I.S.L.,
Service of origin.	21st March 1920. Counts 4 years' war service towards pay, seniority and pension.
Date of commencement of service.	1st October 1919.
Date of compulsory retirement.	10th May 1947.
Periods, if any, for which the officer has been on foreign service after the outbreak of the war in Europe.	Nil.
Whether the officer was or will be retained in service in the public interests up to the date of compulsory retirement.	Yes.
Total amount of leave at Credit on date of compulsory retirement as certified by, the Audit Officer.	Leave on average pay for 3 months and 21 days combined with leave on half average pay for 2 years and 10 days.
Leave taken, if any, subsequent to the date of the Audit Officer's certificate.	Nil.

Statement showing information to be supplied to the Secretary of State in regard to officers of his services for determining the amount of leave admissible after the date of compulsory retirement.

Name of officer.	Mr. R.H.Hammett, M.Inst.C.E., ISE.,
Service of origin.	27th November 1919. Counts 3 years war service towards pay and seniority and 4 years towards pension.
Date of commencement of service.	1st October 1919.
Date of compulsory retirement.	17th October 1947.
Periods, if any, for which the officer has been on foreign service after the outbreak of the war in Europe.	Nil.
Whether the Officer was of opinion that he will be retained in service in the public interests upto the date of compulsory retirement.	Yes.
Total amount of leave at credit on the date of compulsory retirement as certified by the Audit Officer.	Leave on average pay for 8 months combined with leave on half average pay for 20 months.
Leave taken, if any, subsequent to the date of the Audit Officer's certificate.	Nil.

Statement showing information to be supplied to the Secretary of State in regard to officers of his Services for determining the amount of leave admissible after the date of compulsory retirement.

Name of officer.	Mr. C.O.Kale, CIE., ICS.,
Service of origin.	25th August 1917.
Date of commencement of service.	25th August 1917.
Date of compulsory retirement.	5th October 1945(It has been decided to grant Mr.Kale extension of service upto the middle of January 1949 i.e. till the return of Mr.Hemmett).
Periods, if any, for which the officer has been on foreign service after the outbreak of the war in Europe.	Nil.
Whether the officer was or will be retained in service in the public interests upto the date of compulsory retirement.	Yes.
Total amount of leave at credit on the date of compulsory retirement as certified by the Audit Officer.	Leave on average pay for 8 months combined with leave on half average pay for 20 months.
Leave taken, if any, subsequent to the date of the Audit Officer's certificate.	Nil.

For Officers on extension of service.

contd....

Was the extension granted at the officer's own request ?	No.
Can he be retained in service up to the date of compulsory retirement solely in public interest.	Yes.
Has the officer derived additional benefits because of the extension e.g. in the shape of pension of additional pension.	No.

Name of Officer.	Ernest Samuel Farbrother, MRCVS, IVS.
Service of Origin:	India Veterinary Service.
Date of commencement of Service:	10th October 1913.
Date of compulsory retirement:	16th July 1945.
Periods, if any, for which the officer has been on foreign service after the outbreak of war in Europe:	N I L.
Whteher the officer was or will be retained in service in the public interests up to the date of compulsory retirement.	Was retained in service in the public interests.
Total amount of leave at credit on the date of compulsory retirement as certified by the Audit Officer.	Leave on average pay for 8 months followed by leave on half average pay for 20 months.
Leave taken, if any, subsequent to the date of the Audit Officer's certificate.	N I L.

For Officers on extension of service.

Was the extension granted at the officer's own request?	No.
Was he retained in service upto the date of compulsory retirement solely in public interest ?	Yes.
Has the officer derived additional benefit because of the extension e.g., in the shape of pension or additional pension, ?	No.

Information to be supplied to the Secretary of State in regard to officers of his service.

Name of Officer.	Sir Henry Foley Knight, KCSI.,CSI.,CIE.,
Service of origin.	Indian Civil Service.
Date of commencement of service.	25/10/1910.
Date of compulsory retirement.	24th November 1945.
Periods, if any, for which the officer has been on foreign service after the outbreak of war in Europe	Nil.
Whether the officer was or will be retained in service in the public interests upto the date of compulsory retirement.	Has been granted extension of service by one year with effect from 24/11/1945.
in terms of average pay Total amount of leave/credit on the date of compulsory retirement as certified by the Audit Officer.	Leave on average pay for 17 days combined with leave on half average pay for 1 year. 9 months and 24 days.
Leavetaken, if any, subsequent to the date of the Audit officer's certificate.	He took leave on average pay ex-India from 11/6/1945 to 29/11/1945 i.e. 5 months and 19 days.

For officers on extension of service.

Was the extension granted at the officer's own request, ?	No.
Was retained in service upto date of compulsory retirement solely in public interest ?	Yes.
Has the officer derived additional benefit because of the extension e.g. in the shape of pension or additional Pension ?	He does not derive any benefit by the extension of his service as he had put in already 25 years' total service and 21 years active service on 24/11/45. An annuity of £.1000/- is admissible to him....

Information to be supplied to the Secretary of State in regard to officers of his services.

Name of officer.	Sir Charles Holditch Bristow.
Service of origin.	I.C.S.
Date of commencement of service.....	23/10/1911.
Date of compulsory retirement.....	23/11/1946.
Periods, if any, on which the officer has been on foreign service after the outbreak of the war in Europe.	Nil.
Whether the officer was or will be retained in service in the public interest upto the date of compulsory retirement.	Yes.
Total amount of leave at credit on the date of compulsory retirement as certified by the audit officer.	Leave on average pay for eight months followed by Leave on Half average pay for 10 months and 20 days
Leave taken, if any, subsequent to the date of the Audit Officer's certificate.	Leave on average pay for six months from the 5/4/46 (the date of the advent of the Ministry) in the first instance.

Name of officer.	Lt.Col. C.H.Prall.
Service of origin...	I.M.S.
Date of commencement of service.....	22/2/21.
Date of compulsory retirement.....	18/2/46.
Periods, if any, for which the officer has been on foreign service after the outbreak war in Europe.	Nil.
Whether the officer was or will be retained in service in the public interest upto the date of compulsory retirement.	Lt.Col.Prall has been retained in service in public interest till the date of compulsory retirement.

Contd...

Total amount of leave at credit on the date of compulsory retirement as certified by the Audit Officer.	The Accountant General, Bombay has certified that but for provision of F.R.86, leave on average pay for 6 months followed by leave on half average pay for 20 months is admissible to Lt.Col.Prall.
Leavetaken, if any, subsequent to the date of the Audit Officer's certificate.	———

BY AIR MAIL. No.4260/34-D.

Political and Services Department,

Bombay Castle, 18th April 1946.

From

Dr.H. T. Sorley, CIE., ICS.,

Chief Secretary to the Government of Bombay,

Political and Services Department.

To

The Secretary of State for India,

India Office, London.

Subject:- Grant of extended leave preparatory to retirement in the case of officers subject to the rule making control of the Secretary of State in relaxation of Articles 234 and 555 of the Civil Services Regulations or Fundamental Rule 86.

Sir,

I am directed to refer to the letter from the Government of India, Finance Department, No.F.44(29)-W/44, dated the 15th June 1945, on the above subject, and to forward for favour of early orders particulars in the prescribed form relating to the marginally noted officers under the administrative control of the Government of Bombay who were retained in active service in the public interest and are eligible for the grant of extended leave preparatory to retirement.

1. Mr. F.W.O'sGorman, I.P.
2. " W.H.E.Garrod, ISE.
3. " R.H.Hammett, ISE.
4. " C.G.Kale, ISE.
5. " E.S.Farbrother, IVS.
6. Lt. Col.S.R.Prall, IMS.,
7. Sir Henry Knight, KCIE., CIE, ICS,
   Sir Charles Bristow, CIE, ICS.

2. Mr.C.G.Kale, ISE, whose date of compulsory retirement was 5th October1945, was allowed an extension in the public interest upto the ~~end~~ middle of January 1946 i.e. till the date of the return from leave of Mr. R. H. Hammett, ISE, Chief Engineer and Secretary to the Government of Bombay, Public Works Department(Irrigation). Since then Mr.Kale has been re-employed as

temporary...

temporary Chief Engineer/ to Government (Post-War Reconstruction) on contract for a period of three years. The Government of Bombay, therefore, recommends that Mr.Kale may be allowed to avail himself of the extended leave preparatory to retirement which may be sanctioned in his case after the termination of the period of his contract.

3. I am to request that a copy of the orders passed/ by the Secretary of State may be sent to the High Commissioner for India in London in order to facilitate the payment of leave salary to the officers who have already proceeded to the United Kingdom.

Yours obedient servant,

H.S.Sorley,
Chief Secretary to the Government of Bombay,
Political and Services Department.

No.4260/34-D.
Political and Services Department.,
Bombay Castle, 18th April 1946.

Copy, with a copy of its accompaniments, forwarded with compliments to :-

The Accountant General, Bombay,
The Home Department,
The Public Works Department,
The Reconstruction Department,
The General Department,
The Revenue Department,
The Finance Department,

for information with reference to the Political and Services Dept.

Memorandum...

Memorandum No.4260/34-D, dated the 19th October 1945.

By order of the Governor of Bombay,

C.K.Maru,

For Chief Secretary to the Government of Bombay,

Political and Services Department.

Name of Officer.	Mr. F.W.O'sgorman.
Service of origin.	Indian Police.
Date of commencement of service.	2-7-1913.
Date of compulsory retirement.	8/7/1946.
Remarks, if any, for which the officer has been on foreign service after the outbreak of the war in Europe.....	Nil.
Whether the Officer was or will be retained in service in the public interests upto the date of compulsory retirement.	Yes.
Total amount of leave at credit on the date of compulsory retirement as certified by the Audit Officer.	Leave on average pay 8 months plus leave on half average pay 16 months & 20 days.
Leave taken, if any, subsequent to the date of Audit Officer's certificate.	Nil.

.....

Secy.(I) Id/- 22/4/46.

Secy.(R.AD.) Id/- 22/4/46.

P. W. D.

E.B.(I)

Submitted with ref. to the notes on pp. 101-104 ante.

2. In view of the remarks made by the A.G., Bombay, the draft put up may issue, if approved. As the the A.G.'s report has not been seen by the F.D. and the P.& S.D., these papers may be marked for secy., F.D. and the Chief Secy. also.

3. Serial Nos.10164 and 12016 :- No action is necy.

4. S.No.12640:- The necy. note will be put up after the drafts have issued.

5. S.No.15194 :-.Copies.of the P. & S.D. letter and the statement pertaining to Mr. C.G.Kale, C.E., P.W.R., may be sent to him as per draft put up.for approval..

Id/-
Mgj.
1/5/46.

Id/-
1/5/46.

Id/-
1/5/46.

Id/-
29/5/

C.S.

P.& S.D. should see in the matter is common to several departments.

Id/-
30/5/46.

At the instance of the A.G. the P.W.D. has asked the Govt. of India to clarify certain points re: the admissibility of the concessions of extended leave preparatory to retirement. As pointed out in the A.G.'s u.o.r. at p. 103 ante, clarification of these

points.....

points is necessary. The P.W.D. may be requested to forward to this Department a copy of the Government of India's reply when received so that other officers ~~of/the/pp~~ and Departments concerned may be apprised of the position.

Id/-
30/5/46.

Yes, it is desirable to have these points cleared up.

Id/-
30/5/46.

(Below copies of the P. & S.D. letter No.4260/34-D, dated the 18-4-46 and the statement pertaining to Mr.C.G.Kale, C.I.E., C.E., P.W.R.)

.....

No.1445/36-E(I).

P. W. D.,

B.C., 3rd May 1946.

Copies forwarded to the C.E., Post-War Reconstruction, for information.

By order of the G. of B.

Id/- M. G. J.
1/5/46.

Id/-
1/5/46.

No.1345/36-S(I)

P.W.Dr,

B.C., 2nd May 1946.

From

W.H.E.Garrod, Esq., I.S.E.,
Secy. to the Govt. of Bombay,
P.W.D. (Roads and Buildings).

To

The Secy. to the Govt. of India,
Finance Department.

Subject:- Grant of extended leave preparatory to retirement in the case of officers subject to the rule making control of the Secy. of State in relaxation of Articles 474 and 475 of the Civil Services Regulations or Fundamental Rule 86.

Sir,

I am directed to invite attention to the G. of I. (F.D.) letter No.F.4(20)-E/44, dated the 15-6-45, and to state that in accordance with the orders contained therein, those officers who were compulsorily retained in active service owing to the ban on ordinary retirements, beyond the date on which they would have normally proceeded on leave in order to enjoy all the leave admissible to them, have been granted the concession of such leave after they are permitted to retire, subject to a maximum of 28 months. The Secy. of State has decided to lift the ban on ordinary retirement with effect from the 1-1-47, and it appears that the concession will cease from that date. The officers affected by the orders imposing the ban, will, however, be entitled to take leave thereafter in accordance with the principles laid down for the concession - vide para. 7 of the G. of I. letter mentioned above. That Govt. has not, however,

indicated.....

indicated how these principles are to be applied in actual practice but it may be the intention to reduce the maximum accumulated leave admissible to an officer by the period by which he delays taking leave after the 1-1-47. For instance, Mr. W.H.S.Carrod, I.S.E. Chief Engineer & Secy. to Govt., P.W.D., will be entitled to take the maximum leave of 28 months due to him if he proceeds on leave from the 1-1-1947, but in the event of his remaining on duty till the 10-6-47 - the date of his superannuation - he will be entitled to take leave for 23 months and 21 days only. The G. of I. will please confirm whether the above view is correct.

2. There might also be cases in which an officer is retained on duty after the 1-1-47 not for his own convenience but because he cannot be immediately relieved by Govt. in the interest and in the exigencies of public service. It is presumed that in such cases the full period of all the leave accumulated (limited to 28 months) should be allowed from the actual date he is allowed to proceed on leave. It is requested that the G. of I. will kindly confirm this.

3. According to sub-para.3 of princi.1 of the G. of I., H.D. letter No.633/45-Estt(R), dated the 8-12-45, though the general ban will continue till the 1-1-47, individual officers can be permitted to take accumulated leave preparatory to retirement from an earlier date, if they so desire. It is, however, not clear from these orders how in such a case an officer, who has accumulated leave of 20 months and whose date of compulsory superannuation, is say the 1-1-47, can be allowed all the leave admissible to him say from 1-6-46 without actually extending the date of compulsory superannuation. The G. of I. may kindly confirm that this is intended. The treatment to be accorded in the matter of leave to officers, who are on extension of service and whose extension is certified by the Provl.

Govt. .....

Govt. to be in the interest of public service, may also be clarified.

Yours obedient servant,

Copy forwarded to -

the P.M.,

the P. & S. D.,

The A.C., Bombay (with ref. to his No G.II/271, dated the 24-1-46).

Id/- M.C.J.
1/5/46.

Id/-
1/5/46.

Id/-
1/5/46.

No. F.44(29)-E/44

GOVERNMENT OF INDIA

FINANCE DEPARTMENT.

New Delhi, dated the 31st May 1944.

From.

G.Sankaran, Esq., M.B.E.,

Deputy Secretary to the Government of India.

To

The Secretary to the Government of Bombay,

Public Works Department (Roads & Buildings),

BOMBAY.

Subject: Grant of extended leave preparatory to retirement in the case of officers subject to the rule-making control of the Secretary of State in relaxation of Art. 234 and 526 of the CSRs and F.R.56.

Sir,

With reference to your letter No.1445/36-S.(I) dated the 2nd May 1944 on the subject mentioned above, I am directed to confirm that the leave admissible to Mr.Sanyal will be as stated in paragraph 1 of your letter under reply.

2. The other points raised in your letter are under consideration and a further communication will be sent to you shortly.

I have the honour to be,

Sir,

Your most obedient servant,

Sd/- G.Sankaran.

DEPUTY SECRETARY TO THE GOVERNMENT OF INDIA.

Secy.(I) Please put up letter under reply -

Secy.(R. & B.)

Sd/-
30/5/44.

1446/36.

E.B.(I). Public Works Deptt.

Submitted with reference to the note of the Secy.(I) within and the P. & S.D.note on pp. 129-130 ante.

2. The main papers which have since been received, are arranged within. The draft endt. put up may issue, if approved.

3. A copy of the G. of I.letter within may be sent to the Chief Secy. and G.S.

4. The receipt of a further communication from the G. of I. may be awaited vide para 2 of the letter within.

5. Please see para 4 of the O.M. on page 129 ante. The necessary note will be put up after the endt. has issued.

Id/- M.G.J. 3/6/46. Id/- 4/6/46. Id/- 4/6/46.

1446/36

Below copy of the letter from the G. of I. (P.D.) No.P.44/(20)-B/44, dated the 21st/27th May 1946.

No.1446/36-B(I). Public Works Deptt.

B.C., 6th June 1946.

Copy forwarded to -

the Fin. Deptt.,

the P.& S. Deptt.,

the A.G., Bombay,

for information with reference to Govt. endt. No.1446/36 E(I), dated the 2nd May 1946.

Id/- M.G.J. 6/6/46.

By order of the Govr. of Bombay,

Id/- 4/6/46.

Id/- 4/6/46.

No. D/324 of 1946.

Camp. Mahableshwar, 25th April 1946.

To

The Secretary to Government,

Public Works Department, Bombay.

Sir,

Kindly see my letter No.2100, dated the 31st ultimo on the subject of my retirement before the end of this year. As this is a matter of great importance to me, I would be obliged to have a reply at your early convenience.

Yours obedient servant,

Public Health Engineer,
to Government.

1445/36.
16256.

E.B.(I).

The main case viz file No.1445/36, has been put up as F.P. of the query made by the Secy.(R. & B.) re: the leave admissible to him, which has been submitted separately.

Await,
Some reply should be
given to P. H. E.

Id/-
9/5/46.

Id/- M.G.J.
8/5/46.

P. W. D.

No.1448/36-E(I). B.C., 16th May 1946.

To

The Public Health Engineer, to Government.,

Subject: Leave to Mr. R.A.Collett,
Public Health Engineer to Govt.,

Ref: Your letter No. D/324, dated the 25th April 1946.

2. The matter is under the consideration of Govt.

Id/-
14/5/46. By order of the Governor of Bombay,

Id/-
15/5/46.

URGENT.

No.4260/34-D.

Political and Services Deptt.,

Bombay Castle, 23rd May 1946.

Subject:- Grant of extended leave preparatory to retirement in the case of officers subject to the rule-making control of the Secretary of State in relaxation of Articles 234 and 555 of the Civil Service Regulations or Fundamental Rule 86.

Memorandum.

With reference to this Department Memorandum No. 4260/34-D, dated the 19th October 1945, on the above subject, the Public Works Department is requested to forward its report to this Department at an early date.

By order of the Governor of Bombay,

Sd/-

For Chief Secretary to the Government of Bombay,

Political and Services Department.

Removal of the ban on retirement on proportionate pension under the Premature Retirement Rules.

Government of Bombay,

Political and Services Department,

Circular Memorandum No.4260/34,

Bombay Castle, 25th May 1946.

Circular Memorandum.

With reference to Government Circular, Political and Services Department, No.4260/34, dated the 16th January 1946, the under mentioned officers and Departments are informed that the Secretary of State has now decided to lift the ban on retirement or proportionate pension under the Premature Retirement Rules with effect from the 1st January 1947.

In view, however, of the acute shortage of officers, the Secretary of State has drawn special attention to rule 6(2) of the Premature Retirement Rules which runs as follows :-

"6(2) If the Governor General or the Governor, as the case may be, considers that suitable arrangements cannot be made for the relief of any officer at the date on which he desires to proceed on leave preparatory to retirement under these rules, he may, when forwarding the application for the orders of the Secretary of State recommend that the Secretary of State should postpone the grant of permission and in that case shall specify the period of such postponement."

The Secretary of State considers it most important that no application should be recommended to him for immediate acceptance unless the officer can be spared without detriment to the public interest and he desires the authorities concerned to exercise with special care their powers under rule 6(2) of the Premature Retirement Rules.

2. The ban is related to active service and officers must remain in active service until the end of 1946; the withdrawal of the ban cannot be anticipated by leave preparatory to

premature...

premature retirement. To adjust the grant of leave in 1946 to officers who may wish to retire on proportionate pension when the ban is lifted at the end of 1946, the Secretary of State has passed the following orders :-

(a) He desires that no officer who wishes to retire in 1947 should be granted long leave in 1946 save in the most exceptional circumstances;

(b) As regards any officer already on leave who applies for permission to retire prematurely, the question of converting his leave into leave preparatory to premature retirement, so as to avoid bringing him back to duty for only a few months should be considered with reference to rule 6(2) of the Premature Retirement rules. If it is recommended under that rule that permission to retire prematurely should be deferred, then the officer will have to return to duty. If, however, it is decided that the officer can be spared without detriment to the public interest, there will be no need for him to return to duty.

By order of the Governor of Bombay,

Sd/-

For Chief Secretary to the Government of Bombay,
Political and Services Department.

To

The Secretary to the Governor,
The Accountant General, Bombay,
All Departments of the Secretariat (except the Separate Department).

Removal of the ban of retirement, on proportionate pension under the Premature Retirement Rules.

Government of Bombay,
Political and Services Department
Circular No.4260/34,
Bombay Castle, 25th May 1946.

CIRCULAR.

In paragraph 2 of Government Circular, Political and Services Department, No.4260/34, dated the 16th January 1946, it was stated that it is intended that the ban on retirement under the Premature Retirement Rules should be lifted with effect from the 1st October 1947. But the Secretary of State has now decided to lift the ban with effect from the 1st January 1947 instead.

The attention of all the Secretary of State's Officers, however, is invited in this connection to rule 6(2) of the Premature Retirement Rules, under which it is open to the Provincial Government to recommend to the Secretary of State postponement of the grant of permission to officers to retire under the Premature Retirement Rules.

2. The ban is related to active service until the end of 1946 and the withdrawal of the ban cannot be anticipated by leave preparatory to premature retirement. No officer who wishes to retire in 1947 will, therefore, be granted long leave in 1946 save in the most exceptional circumstances and in the case of officers who are already on leave and who apply for permission to retire prematurely the

the....

the question of converting this leave into leave preparatory to premature retirement will be considered with reference to rule 6(2) of the Premature Retirement Rules.

By order of the Governor of Bombay,

Sd/-

For Chief Secretary to the Government of Bombay,
Political and Services Department.

To

All officers of the Secretary of State's Service
under the administrative control of
the Government of Bombay.

Copy forwarded for information to :-

The Secretary to the Governor,
The Accountant General, Bombay,
All Departments of the Secretariat,
(except the Seperate Department).

No.4260/34-D.

Political and Services Department,

Bombay Castle, 24th May 1946.

Subject:- Grant of extended leave preparatory to retirement.

Memorandum.

With reference to paragraph 8 (iv) of the letter from the Government of India, Finance Department, No. F.44(23)-W/44, dated the 10th June 1945 copy of which was forwarded under this Department endorsement No.4260/34-D, dated the 2nd August 1945, the undermentioned officers and Departments are informed that that paragraph does not override the requirement of Article 475 A94) (ii) of the Civil Service Regulations and that the certificate required under this article should be given in each case in respect of the leave during which the officer would have continued to hold a qualifying post.

By order of the Governor of Bombay,

Sd/-

For Chief Secretary to the Government of Bombay,
Political and Services Department.

To

The Secretary to the Governor,
The Accountant General, Bombay,
The Finance Department,
All other Departments of the Secretariat
(except the Separate Department).

Copy of a letter from the Government of India, Home Department, No.F.366/45-Ests, dated the 24th May 1946 and its accompaniments.

Subject:- Hardships on officers of the All-India Services as a result of the ban imposed by the Secretary of State on premature retirements.

....

"I am directed to forward for the information of the Provincial Government a copy of the marginally noted correspondence on the above subject.

1. Letter from the Government of Madras No.1642 dated 10th July 1945.
2. Letter to the Government of Madras No.F.366/45-Ests, dated 10th May 1940.

Copy of a letter No.1642 dated 10-7-45, from the Government of Madras, Public (Services) Department, to the Government of India in Home Department.

PUBLIC SERVICES - ALL India Services - Officers who have ~~xx~~/~~not~~/ attained age of compulsory retirement - Application for retirement during the present emergency -Restriction. Ref.Government of India, Home Department, letter No.277/45-Ests., dated the 10th January 1945.

In the letter quoted above a certain amount of restriction has been placed on the premature retirement of officers of All-India Services, and it has been stated that the Secretary of State would, in exercise of the powers conferred by section 247 (7) of the Government of India Act, 1935, relieve the hardship that could be caused to officers in the matter of their leave. I am directed to say that the restriction in question is likely to cause hardship to not only in the matter of leave but also in certain other respects. Two types of hardship which are likely to be experience are specified below:-

(1).....

(1) Under rule 12(1) of the Premature Retirement Rules any officer who has been permitted to retire under those rules (other than an officer who is entitled to the maximum pension admissible under those rules) is entitled to receive a gratuity equal to the cost of first class fares and passages from the last place of his employment in India to his destination for himself, and for his wife and children. If, as a result of the restriction now imposed an officer is compulsorily retained in service he would no doubt become eligible for the maximum pension admissible under the Premature Retirement Rules, but he would lose the benefit of the gratuity of first class fares and passages to the place of destination; and in case there was not a sufficient credit in his ordinary passage accounts he would himself have to pay the fares and passages to the place of destination.

(2) Under clause (c) of paragraph 3 of the Second Schedule to the Premature Retirement Rules, an officer, say of the Indian Service of Engineers, is entitled to a special additional pension whether he has or has not completed the 25 years of qualifying service required by clause (3) of article 475-A of the Civil Service Regulations. If, as a result of the restriction now imposed, he is compulsorily retained beyond his 25th year qualifying service he cannot retire until he has completed 25 years of qualifying service without losing the benefit of special additional pension, as in normal circumstances he can get special additional pension only if he has put in 25 years of qualifying service.

2. I am directed to say that his Excellency the Governor considers that the anomalies should be brought to the notice of the Secretary of State for redress.

Copy of Home Department letter, No.F.366/45-Sets. dated 15/5/46, to the Government of Madras, Public(Services) Department.

Subject:- Hardships on officers of the All-India Services as a result of the ban imposed by the Secretary of State on premature retirements.

With....

With reference to your letter No.1642, dated 10th July 1945, on the subject noted above, I am directed to say that after careful consideration the Secretary of State regrets that he is unable to agree to the proposal that officers who might have retired on proportionate pension but for the embargo on retirements on such pension should be given the passage gratuity provided for in the Premature Retirement Rules, although they may have earned pension under the ordinary rules.

2. As regards the other proposal, viz. that relating to special additional pension, the Secretary of State will be prepared to consider on merits any cases in which officers after having earned a special additional pension under Articles 475(A) C.S.R. retire on ordinary pension before the completion of 28 years' qualifying service while the ban on premature retirement remains in force and thus become ineligible for special additional pension".

No.4260/34-D.

Political and Services Department,

Bombay Castle, 11th June 1946.

Forwarded with compliments to:-

The Secretary to the Governor,

The Accountant General, Bombay,

All Departments of the Secretariat (except the Separate Department),

for information with reference to Government Memorandum, Political and Services Department, No.4260/34-D, dated the 9th February 1945.

By order of the Governor of Bombay,

sd/ A.F.Gandhi,

For Chief Secretary to the Government of Bombay,

Political and Services Department.

E.B.(I). Public Works Department.

Resubmitted after issue of Govt.endt. No.1445/36-E(I), dated the 6-6-46, with reference to para.5 of the office note on page 135 ante.

2. Please see the letter from the P.H.Engr.to Govt. on page 109 ante. Obviously Mr.Collett refers to the orders issued in the Govt.of India (F.D.) letter No.F.44(29)-R/44, dated the 15-6-45. In accordance with those orders, the officers who have been compulsorily retained in active service beyond the date on which they would have normally proceeded on leave in order to enjoy all the leave admissible to them, have been granted the concession of leave subject to maximum of 28 months from the date of their compulsory retirement. The above orders are applicable to the officers who are subject to the rule making control of the Secy. of State. Mr.Collett is not such an officer and hence his name was not mentioned in the office note dated the 29th October 1945. He is on extension and the sanctioned period expires on the 31-3-47. He is not therefore eligible for the concessions. The draft put up may therefore issue, if approved.

3. Serial No.19849.- Please see the F. & S.D. letter No.4260/34-D, dated the 19-10-45. A report regarding the officers eligible for the grant of extended leave preparatory to retirement in relaxation of Articles 234 and 555 of the C.S.R. or F.R.86 is to be furnished for the period ended April 1946. The cases of the officers who may be eligible for the concession have been discussed in the office note dated the 29-10-45. Please see the note of the Secy.(R.& B.) dated the 1-11-45. Twentyeight months prior to the date of superannuation of Mr.B.S.Vyas, I.S.E., would be the 19-6-47. The cases of Messrs.Garrod, Hemmett, and Kale have already been reported - vide Govt. letter

No.....

No.1448/36-E(I), dated the 22-12-45. There is no other case of an officer who will reach the age of superannuation by the grant of 28 months' leave from April 1946. The report will therefore be 'Nil'. The draft put up may issue, if approved. It does not seem necessary to submit this case to the H.H., P.W.D.

4. Serial Nos.21077 and 21120.- The Secy. of State has lifted the ban on retirement on proportionate pension under the Premature Retirement Rules from the 1-1-47. The G.R. on page 145 ante, has been addressed to all the officers of the Secy. of State's Service. The instructions issued in the S.Rs. have been noted.

5. Serial No.20059.- No, action is necessary. The instructions issued therein are noted.

6. Serial No.22452.- Please see the Govt. of India (H.D.) letter No.F.366/45-Eets. dated the 15-6-46. Para.2 of the letter is noted.

7. The receipt of a communication from the Govt. of India may be awaited - vide para 2 of the letter within.

Sd/- M.G.J.
26/6/46.

Id/-
27/6/46.

No.1445/46-E(I). Letter. Public Works Deptt.

B.C., 26th June 1946.

To

The P.H.Engr. to Govt.

Subject:- Grant of extended leave preparatory to retirement in the case of officers subject to the rule making control of the Secy. of State.

Reference: Correspondence ending with Govt. letter No.1445/36-E(I), dated the 16-5-46.

2. A copy of the Govt. of India (F.D.) letter No. 44/(29)-W/44, dated the 15-6-45 regarding the grant of extended leave preparatory to retirement in the case of officers subject to the rule making control of the Secy. of State is enclosed herewith. These orders are not applicable to you as you are not an officer under the rule making control of the Secy. of State.

By order of the Govr. of Bombay,

Id/- M.G.S.
26/6/46.

No.1445/46-E(I). Letter. Public Works Deptt.,

B.C., 26th June 1946.

To

The Chief Secy. to the Govt. of Bombay,

Poll. and Services Deptt.

Subject:- Grant of extended leave preparatory to retirement in the case of officers subject to the rule making control of the Secy. of State in relaxation of Articles 234 and 555 of the C.S.Rs. or F.R.56.

Reference: Govt.Memo.(P. & S.D.) No.4260/34-D, dated the 23-5-46.

2. The report of this Deptt. is 'Nil' for the period ended April 1946.

By order of the Govr. of Bombay,

Id/- M.G.J.
26/6/46.

Id/-
27/6/46.

Copy of a letter from the Government of India, Finance Department, No.F.7(17/0-E.II/46, dated the 11th July 1946 and its accompaniment.

---x---

Subject:- Grant of extended leave preparatory to retirement to officers under the rule-making control of the Secretary of State.

"With reference to your letter No.4260/34.D dated the 18th April, 1946 addressed to the India Office, I am directed to enclose for your information a copy of the orders received regarding the grant of leave beyond date of compulsory retirement to the officers concerned.

2. I am to point out in this connection that Sir Henry Knight has since been appointed to act as the Governor of Burma and any further action regarding the grant of leave to him on demitting office as Governor will be taken by the Secretariat of the Governor General (Public) to whom a copy of this correspondence is being endorsed."

---oOo---

Copy of letter No.S & G 8843/46, dated the 4th June 1946, from India Office London, to the Secretary to the Government of India, Finance Department.

Subject:- Proposed grant of extended leave preparatory to retirement to certain officers under the Secretary of State's rule-making control.

I am directed to forward herewith a copy of a letter No. 4260/34, dated the 18th April 1946, from the Government of Bombay, and to say that the Secretary of State has sanctioned the relaxation of Fundamental Rule 86 and the grant of the following officers of the leave at their credit on the date of compulsory retirement.

Name	Date of compulsory retirement.
F.W.O'Gorman, I.P.	8.7.46.
F.S.Farbrother, I.V.S.	16.7.45.
Sir H.F.Knight, K.C.S.I., C.I.E., I.C.S.,	24.11.45. (Service extended up to 24.11.46).
Sir C.H.Bristow C.I.E., I.C.S.	23.11.46. (Leave granted with effect from 3.4.46.)
Lieut-Col. S.R.Prall, I.M.S.	18. 2.46.

2....

2. With regard to messrs. Garrod and Hammett, whose dates of compulsory retirement are the 10th May 1947, and 17th October, 1947 respectively, I am to say that, since ordinary retirement will again be permissible from the 1st January 1947, officers will not be compulsorily retained after the date and Fundamental Rule 86 will operate normally except in cases where officers have been unable to enjoy all the leave at their credit preparatory to retirement because they have been compulsorily retained up to this or some earlier date. Extended leave preparatory to retirement will, therefore, in no case continue beyond 28 months from the 1st January 1947. The Secretary of State has accordingly sanctioned the grant to these two officers of the leave at their credit on their dates of compulsory retirement less the period between the 1st January 1947 and the dates on which, respectively, they actually proceed on leave preparatory to retirement.

3. Similarly in the case of Mr.Kale the Secretary of State has sanctioned the grant to him of the full amount of leave at his credit on the date of his compulsory retirement. He would, however, see objections to making this leave available after the termination of Mr.Kale present contract in January 1949, and it should take effect from the date in January 1946 when his extension of service terminated.

I am to ask that these orders may be communicated to the Government of Bombay at an early date. A copy is being sent to the High Commissioner, as requested.

No.4260/34-D.

Political and Services Department.

Bombay Castle, 23rd July 1946.

Forwarded with compliments to:-

The Accountant General, Bombay,

The Home Department,

The Public Works Department,

The Reconstruction Department,

The General....

The General Department,

The Revenue Department,

The Finance Department,

for information with reference to the Political and Services Department endorsement, No. 4260/34-D, dated the 18th April 1946.

By order of the Governor of Bombay,

Sd/- Av F. Gandhi,

For Chief Secretary to the Government of Bombay,

Political and Services Department.

Secy (I) this conforms the present understanding.
Id/- 25/7/46.
Secy (R. & B). Pl. let me have a copy of para 2.

Id/-
25/7/46.

Office note.

As desired by the Secretary, extract para. 2 of the letter has been typed and placed below on the case- board. It may please be retained by him.

Id/-
25/7/46.

Thanks.

Id/-
25/7/46.

Secy.

E.B.(I)

The draft put up may issue, if approved.

Id/-
29/7/46.

Id/-
30/7/46.

SAP/-

1445/36.

(Below copies of P. & S.D. endt. No.4260/34-D, dated the 23-7-46, and its accompa).

——— -x———

No.1445/36-E(I). P. W. D°

B.C., 30th July 1946.

Copies forwarded to C.G.Kale, ~~Engr.~~ Esq., C.I.E., C.E., P.W.R., the C.E., P.W.R. (with reference to Govt. endt. No.1445/36-E(I), dated the 3-5-46.) for information.

By order of the G. of B.

Id/- M.G.J.
29/7/46.

Id/-
30/7/46.

1445/36.

E.B.(I).

Resubmitted after issue for information.

Id/-
1/8/46.

Copy of a letter from the Government of India, Finance Department, No.F.44(29)-W/44, dated the 6th August 1940.

Subject:- Grant of extended leave preparatory to retirement in relaxation of F.R.86, Art.234 and Art.555 of the Civil Service Regulations.

.....

I am directed to invite a reference to the Government of India, Home Department letter No.414/46-Ests.(R), dated the 3rd December 1945 communicating the Secretary of State's order lifting the ban on ordinary retirements as from 1-1-47 and permitting the grant of leave preparatory to retirement. In advance of that date to officers of services under his rule-making control, subject to certain conditions. In view of these orders the Secretary of State has now decided that the normal provisions of F.R.86 will operate after the 31st December 1946 save in exceptional cases. The existing concession regarding the grant of leave after the date of compulsory retirement (authorised in Finance Department letter No.F.44(29)W/44, dated the 15th June 1945) will accordingly be withdrawn as from 1st January 1947, but officers affected by the general ban on retirement while it was in force will be entitled to the concession mentioned in that letter subject to the conditions indicated below :-

(i) <u>officers who proceed on leave preparatory to retirement before 1st January 1947.</u>

The conditions of retirement are specified in para 1 of p.77 the Home Department letter No.F.414/46-Ests (R) dated the 3rd December 1945. The grant of the concession mentioned in the Government of India, Finance Department letter No.F.44(29)W/44 dated the 15th June 1945 will be subject to the conditions that in respect of the period of active service after 3rd December 1945, the employing Government certifies/ in each case that the retention has been in the public interest. Whose certificate in these terms cannot be given, the portion of leave

falling....

falling after the date of compulsory retirement will be reduced by the period during which an officer effect voluntarily remind in active service after 3rd December 1945.

(ii) officers who proceed on leave preparatory to retirement after the 1st January 1947.

The period of leave falling after the date of compulsory retirement will be reduced by (A) the period of active service between 3rd December 1945 and 31st December 1946 in respect of which the employing Government are unable to certify that the retention of the officer was in the public interest and (b) the entire period spent in active service after 31st December 1946. Compulsory retention in active service from 1st January 1947 can only be dealt with in accordance with the normal provisions of F.R.56.

2. In working out the leave admissible after the date of compulsory retirement under the above procedure, the period of leave should not in any case be reduced below that which would be admissible under the normal operation of F.R. 56.

3. As explained in paragraph 1 above, the above order will be applicable only to officers of the services under the rule-making control of the Secretary of State who were affected by the general orders imposing a ban on retirement. The extent to which the concession may be granted to other officers recruited by the Secretary of State and to officers of the Central Services, Class I under the rule making control of the Governor General in Council will be determined on the merits of each case. The amount of leave to be granted to any of these officers beyond the date of compulsory retirement will/in no case exceed the period which would be admissible to him if he were a member of one of the services affected by the general ban on retirement and will also be restricted to the period for which leave preparatory to retirement was asked for and refused in the public interest (vide paragraph 10 of the Government of India Finance Department letter No.F.44(29)W/44, dated the 15th June 1945 and paragraph 1 of the letter of the same number dated the 11th January 1946.)

4.....

4. officers who are already on extension of service beyond the date of compulsory retirement:

The existing orders in paragraph 5 of the Government of India, Finance Department letter No.F.44(29)W/44, dated the 15th June 1945 deny the benefit of the concession to officers who were granted an extension of services at their own request. Officers who have been granted an extension in the public interest can enjoy the concession on the expiry of their present period of extension. In view of the general orders contained in the Government of India, Home Department letter No.F.414/45-Ests,(R), dated the 3rd December 1945 and the directions from the India office referred to in paragraph 1 above, it is presumed that cases of extension of services beyond the date of compulsory retirement will not arive hereafter.

5. I am to request that reference made by the Provincial Government to the Secretary of State in respect of officers entitled to the concession should clearly indicate the maximum period of leave which will be admissible beyond the date of compulsory retirement in accordance with the directions in the preceding paragraphs.

6. I am to request that all doubtful cases not covered by the preceding instructions may be referred to this Department.

No.4260/34-D.

Political and Services Department.

Bombay Castle, 18th November 1946.

Forwarded with compliments for information and guidance to :-

The Secretary to the Governor.

All Departments of the Secretariat (except the Separate Department)

with reference to Political and Services Department endorsement No.4260/34-D, dated the 10th December 1945.

By order of the Governor of Bombay,

For Chief Secretary to the Government of Bombay,
Political and Services Department.

Sec'y(I). Is it necessary to take any action on this ?
Please discuss with case papers.

Id/-
19/11/46.

Id/-
22/11/46.

Public Works Deptt.

The existing concession regarding the grant of leave after the date of compulsory retirement (authorised in the Govt. of India, F.D., letter No.F.44(29)-F/44, dated the 15-6-45) is to be withdrawn from the 1-1-47 but the officers affected by the general ban on retirement while it was in force will be entitled to the concession subject to the conditions mentioned as (I) and (II) in the Govt. of India letter within. The extended leave is to be granted to Messrs. Garrod and Hammett. As they will proceed on leave after the 1-1-47 from the date of their superannuation, condition (II) will be applicable to them. It has already been certified that the retention of these officers is in the public interest and that they are eligible for the grant of extended leave preparatory to retirement - vide para.1 of the P. & S.D. letter No.4260/34-D, dated the 18-4-46. In accordance with the condition (II), the entire period spent in active service from the 1-1-47 to the date of superannuation is to be deducted from the leave due. Compulsory retention in active service from the 1-1-47 is to be dealt with in accordance with the normal provision of E.R.86. The Secy. of State has already sanctioned the grant to Messrs. Garrod and Hammett the leave at their credit on their date/s of compulsory retirement less the period between the 1-1-47 and the dates on which, respectively, they actually proceed on leave preparatory to retirement, -vide letter from the India Office on p.155 ante. No action therefore seems to be necessary, unless it is proposed to take action as at "A" above.

2. Please see para.4 of the Govt. of India letter. An extension of service was granted to Mr.C.G.Kale. The Secy. of State has sanctioned 28 months' leave to Mr. Kale from the 15-1-46. As, however, he has been re-employed, it has been decided to grant him this leave at the

termination....

termination of his agreement as provided in para.10(b) thereof or at the end of his services, if they are terminated earlier. In view of the minutes of H.E. the Governor, the necessary communication to the Govt. of India will be put up on receipt of orders regarding the retention in service of Mr.Kale - vide para.2 of the office note dated the 3-12-46.

Id/- M.G.J.
9/12/46.

10

Id/-
10/12/46.

Secy.(R. & B.) Id/-
10/12/46.

No.4260/34-D.
Political and Services Department,
Bombay Castle, 5th. March 1947.

Subject:- Grant of extended leave preparatory to retirement in the case of officers subject to the rule-making control of the Secretary of State in relaxation of Articles 234 and 555 of the Civil Services Regulations or Fundamental Rule 86

.....

MEMORANDUM. With refeence to this Department Memorandum No. 4260/34-D, dated the 19th October 1945, all Departments of the Secretariat (except the Separate Department) are informed that as the ban on the retirement of the Secretary of State's officers before the date of compulsory retirement is now lifted and consequently the number of officers, if any, entitled to the concession of extended leave preparatory to retirement hereafter will be small, it has been decided that it is not necessary to supply periodical reports regarding such officers to the Secretary of State at any stated intervals. Instead, the Departments should report to the Political and Services Department, together with the necessary information in the prescribed form, the cases of officers entitled to the concession as and when the officers ask for leave preparatory to retirement so that their cases can be reported to the Secretary of State.

By order of the Governor of Bombay,

J. CHAVES,
For Chief Secretary to the Government of Bombay,
Political and ServicesDepartment.

To
All Departments of the Secretariat (except the Separate Department).

---x---

Copy to the Accountant General, Bombay, for information.

EXPRESS LETTER.

From Hooex, New Delhi.

To All Provincial Governments.

No.27/10/46-Ests. New Delhi, the 2nd May 1947.

The Premature Retirement Rules at present apply only to officers serving under ministerial control in the Provinces. The Secretary of State has now decided to extend the Rules to officers of his Services serving under the Central Government, members of the Indian Political Service and the Indian Ecclonisational Establishment, and officers serving in the Secretariats of the Governor-General/ and Governors. Formal amendments to the Premature Retirement Rules are being made and will be communicated when received.

Sd/- D.C.Das,
Deputy Secretary to the Government of India.

No.1720/34-D.
Political and Services Department,
Bombay Castle, 12th May 1947.

Forwarded with compliments to :-
The Secretary to the Governor,
All Departments of the Secretariat (except the Separate Department),

for information and guidance with reference to Government Resolution, Political and Services Department No.1720/34, dated the 13th August 1937.

By order of the Governor of Bombay,

Sd/-

For Chief Secretary to the Government of Bombay,
Political and Services Department.

1445/36/20722

P. W. D.

E.B.(I).

P.W.D. file No.1445/36, required for the disposal of this case has been referred u.o. to the F.D. and P. & S.D. since 29-4-47. Its return may be awaited.

Id/-
15/5/47.

Id/-
16/5/47.

1445/34/20722.

P. W. D.

R.B.(I).

Submitted with ref. to the o.n. dated the 15-6-47.

2. The necessary note has been made on the office copy of the G.R. refd. to.

3. Formal amendments to the Premature Retirement Rules may be awaited.

Id/-
20/6/47.

Reply from the Govt. of India, P.D., should also be awaited.

Id/-
21/6/47.

Copy of a letter from the Government of India, Finance Department, No.F.15(10)-E.11/46, dated the 12th July 1947.

Subject:- Grant of extended leave preparatory to retirement in the case of officers subject to the rule-making control of the Secretary of State, in relaxation of Fundamental Rule 86, Article 234 and Article 555 of the Civil Service Regulations.

I am directed to invite a reference to paragraph 2 of this Department letter No.F.44(29) /44, dated the 15th June 1945, and to state that the intention of the Secretary of State is that officers confirmed in the I.P. on or before 19th January 1946 (the date of the Secretary of State's order requiring all officers under his rule-making control to remain in active service until they reach the age of compulsory retirement), are eligible for the full concession of extended leave preparatory to retirement, as described in the letter referred to above, irrespective of the date of their officiating promotion. Further, since the officers holding listed posts substantively are also under the rule-making control of the Secretary of State, they should be deemed to be eligible for the extended leave preparatory to retirement to the same extent and under the same conditions as apply to the officers permanently promoted to the I.P., etc.

No.4260/34-D.

Political and Services Department,

Bombay Castle, 19th July 1947.

Forwarded to :-

The Secretary to the Governor,

The Accountant General, Bombay,

The Finance Department, ~~Secretariat~~

All other Departments of the Secretariat, (except the Separate Department),

for information and guidance with reference to Government endorsement, Political and Services Department, No.4260/34-D, dated the 2nd August 1945.

By order of the Governor of Bombay,

Sd/-

For Chief Secretary to the Government of Bombay,

Political and Services Department.